

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held virtually on 3 February 2021.

PRESENT

Councillor T Ainsworth (In the Chair)

Councillors D Allen, R Ashton, K S Athwal, J Atkin, N Atkin, Mrs E Atkins, S A Bambrick, N Barker, B Bingham, Ms S L Blank, J Boulton, S Brittain, S Bull, Mrs S Burfoot, K Buttery, Mrs D W E Charles, Mrs L M Chilton, J A Coyle, A Dale, Mrs C Dale, J E Dixon, R Flatley, M Ford, Mrs A Foster, J A Frudd, R George, K Gillott, A Griffiths, 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, B Woods and B Wright.

1/21 **APOLOGIES FOR ABSENCE** No apologies for absence had been received.

2/21 **DECLARATIONS OF INTEREST** There were no declarations of interest.

3/21 **MINUTES OF THE COUNCIL MEETING** On the motion of the Chairman, duly seconded,

RESOLVED that the minutes of the meeting of the Council held on 2 December 2020 be confirmed as a correct record.

4/21 **CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:

The Chairman welcomed Helen Barrington, the new Director of Legal and Democratic Services to her first Council meeting actually in the post.

The Chairman referred to the sad passing of Captain Sir Tom Moore. The flag at County Hall was at half-mast acknowledging the passing of an inspirational man.

The Chairman also reminded Council that in recent days the country had passed two tragic milestones in relation to the Covid pandemic. There had now been in excess of 1,500 deaths in Derbyshire

and nationally the total had exceeded 100,000 deaths, all of which were Covid related.

All Members were invited to pay tribute and to observe a Minute's silence.

5/21 **REPORT OF THE LEADER** Councillor Lewis referred to the sad passing of Captain Sir Tom Moore. The Council flag had been lowered to half- mast at County Hall and County Hall would be illuminated this evening red, white and blue to mark the passing of a truly remarkable gentleman who raised so much money and was a real bright shining light during that first lockdown. It was really sad to hear of his passing.

Councillor Lewis reminded Council that we must remember the 100,000 plus people who had now passed from Covid-19 sadly in the UK, including around 1,500 we think in Derbyshire.

It was also timely at this point, to welcome of course Helen Barrington, our new Director of Legal and Democratic Services who he was sure would do a sterling job and these meetings would of course no doubt test her in the coming weeks.

Councillor Lewis also mentioned the hard work that the County Council had been doing in the face of Covid-19 in providing extremely high quality services to our residents in Derbyshire; still getting out there and doing the job of repairing highways, still dealing with Adult Care issues and working with schools as we hoped to send pupils back. We are of course now in the third lockdown since the beginning of this pandemic last year and it had been a very trying time for communities and for residents as well.

In terms of new figures, the Council was dealing with a new variant which was proving particularly challenging in terms of getting the numbers down. The latest figures suggest we have 360 infections per 100,000. This somewhat down on the week before when there was 381.3 as reported on the 28 January. The rate was coming down in all areas of Derbyshire. There were one or two slight blips in one or two places, but notably the rate was coming down in Amber Valley and Bolsover where we have had some particularly high rates over recent weeks. It was going up ever so slightly in Derbyshire Dales which it was hoped was just a blip. It was not going up in the over-60s but it was in the younger cohorts. Despite the fact we are in the third lockdown restrictions are quite deep in the way that they were biting, it was still taking time to come down. This new variant, the Kent variant so-called, was proving to be particularly virulent in its spread and so on and that was causing us some particular issues at this moment in time but it was a matter of working at bringing those rates down and respecting the Hands, Face, Space requirement at the moment. We will get there

eventually. It was very difficult, and very challenging for the people in Derbyshire.

There were further roll-outs of Community Testing Centres. As members will know Derbyshire were one of the pilot Authorities where they had been rolled out, initially first of all in South Derbyshire prior to Christmas. Some of those Centres were to be wound down, so we had Grove Hall and Gresley which would be closing but the Medway Centre would remain open. There will be a new centre opening in Chesterfield in the coming week or two, as there will in Clay Cross, Buxton and Long Eaton later in the month, Matlock as well, Heanor in early March. There had also been an initial roll-out into Bolsover earlier at the back end of last year, early this year. Some of those would also close. One would remain open in Bolsover. Councillor Lewis believed it to be, but was not 100% certain as yet, that it would be the South Normanton Centre and we are likely to see later this month the closure of the Cotes Park one as well, so there was lots of work going on in terms of community testing. It was proving to be a useful tool in helping us drive down the rates of Covid-19 in Derbyshire and over 20,000 tests had been completed. That was not to say 20,000 people had been tested as some people will go two or three times for testing depending on their settings and jobs, what contacts they may have had as well.

Vaccines were rolling out in Derbyshire as they are in the rest of the country very well, with the expected amount of numbers that we would require for Derbyshire to meet that mid-February target of 15 million people. We were meeting our fair share of that. Vaccine Centres had opened all across the County, including in Derby City as well. The Arena, of course, was a regional vaccine centre and there were other vaccine centres, of course, right across the county. Some new ones have been stepped up over recent days and weeks such as Babington Hospital which had obviously seen their doors open and then close because of vaccine supply. The vaccine supply was now beginning to even out - notwithstanding any issues that might arise as a consequence of the EU issues - but vaccine supplies do seem to be evening out throughout the County and the CCG was confident that we are on track to meet our local targets. This was the only way we are going to see a way out of the Covid-19 pandemic and of course the results were encouraging in terms of reducing infectivity and reducing serious illness from the disease as well.

Councillor Lewis took his hat off again to all the County Council's employees and workers, key workers, frontline workers who are doing sterling work and he reported as well that all care homes in Derbyshire had received the vaccines they were meant to which is very good news as well for our residents.

Councillor Lewis reported that the Council had recently declared a major incident due to flooding in Derbyshire. This followed very

significant rainfall in Derbyshire which affected a number of properties and businesses throughout the Derwent Valley area, parts of High Peak and South Derbyshire in particular. Bakewell was particularly flooded with a number of residents being flooded out there. In nearly all instances, we have had reports of what a cracking job our teams have done. Tim Gregory and Julian Gould had done amazing work very much on the front foot declaring that serious incident which allowed a multi-agency approach to be adopted and implemented which meant we were able to mobilise slightly ahead of the curve. We have learnt a lot from recent incidents. We were very much at the front line of climate change here in Derbyshire, along with other inland counties. We seem to be noticing the impacts more particularly than most. Councillor Lewis noted that he was beginning to lose count actually how many times we have seen floods in Derbyshire over recent years along slightly longer stretches of time. Astonishing teamwork, really good efforts by our people to help communities getting sandbags out there and so on, ensuring roads were closed and so forth.

Councillor Lewis updated Council on the work of Vision Derbyshire which Members would no doubt be aware is an effort to bring together the Districts, the Boroughs, the County and the City in work to ensure that we had an outward facing approach at working together. It was about what is the future of local government. What will the devolution White Paper bring us when it is eventually released and what can we do to be ahead of that curve in terms of working together and demonstrating that we have already got a good approach here in Derbyshire.

That work was progressing well generally although there had been a bit of a blip with South Derbyshire, which was a bit disappointing to receive a letter from the new Labour Leader of South Derbyshire to say they no longer wished to be part of Vision Derbyshire. Councillor Lewis feared they had misunderstood what it was about. As people will know our paper to Council some months ago does allow the opportunity to explore local government reform. There was no intention of pressing that button and the Council was clear that we want to work together as local authorities in the Vision Derbyshire approach and pull that work together. That is the commitment the Council was making. The work we have done together on issues like tackling homelessness; dealing with climate change; recovery from Covid-19 and even the flooding response and so on and even in dealing with the on-going issues of Covid-19, as we are faced with dealing them on a day-to-day basis, had been extraordinary and it had been amplified through that space of working together as Vision Derbyshire. Councillor Lewis was sure we can get authorities like South Derbyshire to come back to the table because of that work. They don't have to be signed up to anything and there was no requirement for that. It was very much about the work that we were doing right now to respond to Covid-19, to respond to climate

change and how we could work together as local authorities to meet our targets both as local authorities but also as a county economy.

Councillor P Smith asked the following question of the Leader:

Councillor Smith thanked the Leader for that report and for the regular updates with Councillor Lewis, Emma Alexander and Julie Odams which was extremely useful not only for me but for our Group. Councillor Smith wondered in terms of the detail, there was a proposal a while ago for a testing site/station to be set up in Clowne which he didn't think that had materialised as yet and I wondered if Councillor Lewis could find out any information on that scenario and situation?

Councillor Smith said it may seem strange to people that some of these testing stations were being closed down currently in the next few weeks when there was still got high infection rates. For example, Bolsover, one of the proposals was that the Shirebrook element or the Post Mill Centre would close and also the Cotes Park Industrial Estate Councillor Lewis had referred to closing. Councillor Smith wondered if he could give us some rationale behind that?

Councillor Lewis responded that with regard to the Clowne Testing Station, obviously the decisions were taken mostly at Public Health with health colleagues, the CCGs and of course with the Joint Biosecurity Centre as well. Councillor Lewis would certainly ask that question and he agreed that there are still significant concerns around that particular focus in the Shirebrook area. Having a testing centre there would bolster the support that could put in round that. Councillor Lewis would have a look at that and we would get an answer to Councillor Smith.

The other questions related to climate emergency versus the Council's current position. To be clear declaring a climate emergency or not does not mean that you don't believe in climate change. We certainly believe in climate change. We see the evidence all around us more or less on a day-to-day basis. Councillor Lewis had always been clear on this point it was about what we do. The Council would make every effort to make sure it mitigated both the impacts of climate change as much as we can in our communities, but also make our significant contribution to driving down CO2 as well as a local authority and as an economy. The Council had gone a long way already as Councillor Smith knew. It had bought a fleet of electric cars at the County Council which were sadly not being used as much as we would like them to be, but they were being used. Social care staff etc do get out in those cars as much as they can. Every effort was being made into making sure we had EV infrastructure across the county so we could support electric vehicles, help homeowners and businesses to make that switch to a carbon net zero economy in the future.

Councillor M Ford commented as follows:

Over the last couple of weekends, there had been a real problem in my area on the bridge between Willington and Repton. Councillor Ford thanked those who came down over both weekends. They had done an incredible job, traffic management, closing the road, making sure the culverts were safe and clear for the roads to be reopened safely again. He wished to praise Councillor Spencer for his team including Matthew Cook, Dave Ford and Marie from the depot in Willington. They had been absolutely brilliant, and they had been working very long hours and my thanks to them he wished to be recognised.

With regard to Vision Derbyshire, Councillor Lewis knew his enthusiasm for Vision Derbyshire and how it could forge the County's future over the coming months and years. Councillor Ford really hoped that the new leadership of South Derbyshire in time, appreciated the benefits, get back on board and take it for all it was worth because post-Covid and for all the other reasons explained, we certainly need to be going forward with Vision Derbyshire.

Councillor J Patten asked the following question of the Leader:

Councillor Patten referred to the recent flooding in South Derbyshire. First of all, Scropton was hit by flooding and then, secondly, we were hit by deep snow, up to about six inches in Hilton. My residents of Hilton were very grateful for the quick response of the highways team clearing roads, which especially enabled people who were working at the Royal Derby Hospital to get to work. Was the Council still working with local communities on flooding and flooding issues?

Councillor Lewis responded that he was really pleased to hear of the good work that had been done in local communities by our teams working at such a micro level as well to support residents and yes, there was a lot of support at the moment.

The Council had also recreated our £810,000 pot of money for residents and businesses to access to help them with immediate clear-up costs out there and it was incredibly important that we did that. During the current crisis a lot of businesses particularly, were suffering at the moment and then to have flooding issues on top of that would have been quite a catastrophic thing to deal with. It was felt, again as we did in previous floods, and with the Whaley Bridge incident, putting that pot of money in place so that residents and businesses could access it to help them with those immediate clear-up costs, really quick access to cash to help with that, was important. I am pleased to see a number of businesses and residents did come forward to get that support and we would do all we could to help support them. It was about that immediate response but really pleased to hear about that.

On Councillor Ford's point about Vision Derbyshire and that sort of requirement, Councillor Lewis certainly did hope they come together with us in South Derbyshire to help make Vision Derbyshire a success. To that end the Council were putting out an engagement programme working with the District Leaders and Chief Executives to help engage the groups of Councils in each of those local authorities so they understand what it was all about, what Vision Derbyshire was all about and hopefully aid understanding of what it was we were trying to achieve locally.

6/21 PUBLIC QUESTIONS

(a) Question from Gez Kinsella to Councillor S A Spencer – Cabinet Member – Highways, Transport and Infrastructure

Last year a study by public health academics from leading UK universities found that the 20mph zones they looked at were 'associated with a reduction in the number and severity of collisions and casualties'. In summer this year the government announcement on emergency active travel funding, of which DCC has received over £2 million, recommended a number of measures which the government suggested needed "a step-change in their roll-out...to maintain a green recovery." These included reducing the speed limits to 20mph to "provide a more attractive and safer environment for walking and cycling." Given the growing body of evidence of the benefits and clear guidance from the government in support of 20mph speed limits, why is DCC continuing to refuse to reduce speed limits to 20mph in areas where there is clear public support for such measures?

(b) Question from Hilary Hart to Councillor S A Spencer – Cabinet Member – Highways, Transport and Infrastructure

Every member of this Council will be taking preventive measures to protect themselves against the Covid-19 virus. Additionally, they will welcome their prevention vaccination. Speed can and does kill, as does Covid, so please will the individual Council members answer the following questions: Why does DCC still pursue the dangerous and out-dated policy of reducing speed limits only when a determined multiple of 'fatalities' has occurred? Why is DCC not promoting and encouraging 20 mph life protection actions against road fatalities and casualties (as with Covid), rather than as a result of these avoidable tragedies, many of which involve the most vulnerable in society? (DCC policy on 20mph limits states that "We have a policy of introducing 20mph speed limits and zones sparingly, with casualty reduction being a priority for the selection of such schemes.

Councillor S A Spencer responded to questions (a) and (b) above and in general to other questions relating to 20mph speed limits in Derbyshire as follows:

I would like to thank the public for submitting their questions on this important issue of 20 mph management.

Like I say, I am going to give a preamble of the position statement of the Council as it stands and try and pick up one or two of the questions as I go through and I will work with you through the considerable list we have to deal with today.

Firstly, Chairman, it needs to be pointed out that there is a subtle difference between 20 mph speed limits and 20 mph speed zones in the context of many of the questions that have been asked. The speed limit refers to a limit defined just by signs whereas a speed zone usually includes traffic calming and engineering measures. 20 mph zones are well established and effective in reducing road casualties. There are already numerous schemes of this nature in Derbyshire. There is, however, an on-going debate around the implementation of what I refer to as 'sign only' limits which are just signs alone.

As Members will recall, a report was taken to my Cabinet Member meeting on the 31 January 2019, to discuss both its own trial of sign only 20 mph limits in Derbyshire and the consideration of a Department for Transport commissioned study and an evaluation of the nationally selected schemes, which was also published on the 22 October 2018.

A comprehensive study and the report were produced for the Government office outlining whether there was a clear relationship between vehicle speeds and a reduction in casualty figures. It also looked at the wider benefits of reduced speeds on public health; wellbeing; vehicle emissions and adds an incentive to try and encourage drivers to switch to cycling and walking rather than using their cars.

The Council, and indeed Cabinet Members, will not dispute the benefits should there be compelling evidence to suggest schemes are effective in this aim but the evidence and research suggests that sign only 20 mph offers little in the way of speed and casualty reduction whereas similar previous schemes with associated traffic calming and engineering measures are much more successful in their aim. The sign only 20 mph schemes demonstrate little in the way of speed reduction compared with similar schemes with engineering measures. The added benefits to health, wellbeing and community are therefore lessened by the small reductions in speed.

As Members will appreciate, capital highway investment in Derbyshire and indeed everywhere is driven by service priorities and demands which inevitably means continually repairing our roads,

replacing assets at the end of their life cycle such as bridge, streetlights and traffic signals. This work is key and fundamental to good asset management of the Council's finances driven by life cycle plans and value for money. Unfortunately, these pressures and demands dictate where and how annual budgets are allocated.

Solely demonstrated health and wellbeing benefits must be sought from funding opportunities elsewhere and cannot be prioritised over more pressing highways demands. A "use sparingly" approach is therefore taken for the introduction of 20 mph signs only speed limits. This also reflects in the Council's Speed Management Plan which reinforces the casualty reduction by a predominant factor. This use sparingly scenario does however also leave the door open for when opportunities arise or be presented to the Council for health and wellbeing reasons.

The Council is of course, supportive of the Government's Active Travel agenda and the need to promote cycling and walking. When a recent opportunity arose to secure dedicated ringfenced funding it was successful in a £1.7m figure that has been secured for an east-west link in Chesterfield with ideas and concepts to encourage people to walk and cycle. This will be subject to a public engagement and extensive consultation which will commence over the coming months. It must also be stressed that this funding does not impact upon daily changes in investment in our roads and highway infrastructure and is a dedicated one-off allocation.

To conclude, Chairman, the Council's stance is not in any way to dismiss health and wellbeing benefits, but that limited highways' budget must be prioritised and must represent value for money. The Council also shows that when funding opportunities do arise to promote health and wellbeing through highways related initiatives it has been extremely successful in securing these funds. The use of 20 mph sign only limits is just one of many engineering options which will be considered and evaluated as part of the Active Travel Scheme in Chesterfield and further afield. Thank you, Chairman.

Moving on to the questions that have been posed, Chairman, obviously what I have tried to do is summarise in my preamble the issues that are overarching with respect to all these questions but we will try and go through the detail as best we can.

I want to make it very clear from the outset that Derbyshire County Council is not opposed to the introduction of 20 mph speed limits as we have indicated and have provided over the years and, in particular, outside primary schools where young children are more prone to do things that cannot be anticipated, let's put it that way.

I do believe, I think I have answered the first question in my preamble as best I can, Chairman, and I think the “use sparingly” approach is the sensible approach given the financial challenges. We go through a very detailed investment protocol in every initiative the Council puts in place to promote road safety and we take our road safety responsibilities incredibly seriously, always have done. We rely on professional evidence, i.e. statistical evidence, engineering evidence and professional advice from our officers in every instance but of course this will have to be a partnership approach where the introduction of changes in speed limits or zones takes place that we rely very much on our partners to come along on board and address the issues of speeding vehicles and carry out enforcement duties. Of course, that responsibility lies elsewhere.

I hope I have covered the first two questions, Chairman. I will try and move through the others that you have on your agenda.

(c) Question from Lisa Hopkinson to Councillor S A Spencer – Cabinet Member – Highways, Transport and Infrastructure

Many parts of Derbyshire have high levels of air pollution, including deadly fine particulates PM2.5 for which there is no safe threshold. Children are especially vulnerable. Department for Transport guidance states, “Generally, driving more slowly at a steady pace saves fuel and carbon dioxide emissions”. Because 20mph limits are normal in Bristol it is estimated that 42 litres of fuel are saved annually by each driver there. That’s a £50 per year saving in running costs per vehicle. Electric cars also contribute to PM2.5 through road, brake and tyre wear, and 20mph limits reduce these toxins too. As high vehicle speeds are the greatest deterrent to walking and cycling, wide area 20mph speed limits are proven to encourage some drivers to switch to cleaner travel modes, further improving public health. Because a top priority of Derbyshire’s Council Plan is ‘resilient, healthy and safe communities’ please can this council state when 20mph limits will be implemented across all residential areas to improve public health and air quality as has been agreed for 21million people in other parts of the UK?

Councillor Spencer responded as follows:

Thank you, Chairman. I think it is difficult to compare a county the likes of Derbyshire to the City of Bristol. The make-up of our county is far bigger in scope in many respects. We have 3,500 miles of road. We have over 400 villages and 50 market towns. We need a very different approach in Derbyshire to what you would expect to have in a city.

I think I have highlighted in my initial response my understanding of the health benefits, the social benefits and highlighted the position of

the Council. I also have to say, Chairman, I think I have also highlighted the investment protocol which should take place in the future and our prioritisation of those investment protocols.

As a consequence of that, I cannot give an assurance we are going to be rolling out a blanket approach to 20 mph across this County. I think we should give every individual application due diligence. We should check and establish what measures can be put in place to achieve the objective and that is what we will continue to do. Thank you, Chairman.

(d) Question from Alastair Meikle to Councillor S A Spencer – Cabinet Member – Highways, Transport and Infrastructure

When will Derbyshire County Council adopt default 20mph speed limits to reduce casualties and to encourage active travel? 20mph should be the standard speed limit for streets where people live. Rather than just reacting when casualty numbers dictate 20mph should be the standard speed limit for streets where people live. A study into 20 mph zones in London found that casualties fell by an average of 42%. Lower speed limits are linked with increased levels of cycling and walking.

Councillor Spencer responded as follows:

Thank you, Chair. I was actually looking at the statistical evidence for KSIs, Killed and Seriously Injured here in Derbyshire only the other day. Obviously, every individual authority across the country faces different challenges. It is interesting to note the challenges that Derbyshire County Council are facing - and we have had a bit of a blip in the statistics and the downward trend of the statistics on KSIs just recently, but interesting to note that the predominant area we need to be focusing on is our rural roads because that seems to be the area where we have an increase in those dreadful statistics. I am not going to question whether there has been a reduction or not in the city, I am sure the facts speak for themselves.

I do recognise, as I have said in my preamble, that there are benefits to 20 mph zone/limits but it is like anything else: you have to implement these schemes properly; you have to put the engineering measures in place as well as the signage and that is what brought about the failure of the Padfield trial to be fair. We just threw some signs up and consequently we had a situation where we had an increase in accidents, be it minor, but we did have an increase. We went from 0 to 3 in the period the 20 mph zone trial was taking place.

I think we need to be more diligent in the way we implement these schemes. This was carried out by the previous administration so

I wasn't going to comment on whether it could be improved upon, but what I would say to you is if we are going to implement these schemes we need to do them properly and we need to do them in the full understanding of what the measures need to be.

(e) Question from Peter O'Brien to Councillor S A Spencer – Cabinet Member – Highways, Transport and Infrastructure

The County Council has been awarded £1,684,350 Active Travel funding by the Government for new cycling and walking initiatives, including low traffic neighbourhoods and pedestrian improvements. Can you tell me if it has been determined where this funding will be utilised (and if so by whom the decision was made), when it is intended to publish the plan for consulting with communities in Derbyshire on the development of schemes to benefit from this funding, and whether proposals for the introduction of 20 mph speed limits which enable roads and streets to be more safely shared between pedestrians, cyclists and vehicles will be considered for inclusion?

Councillor Spencer responded as follows:

Chairman, this question is going to come up later in the meeting in a Member's question so I am not going to go into the detail of that particular aspect, the £1.684m, but what I will do is give a summary of the Active Travel Fund that we have bid in for over the Covid-19 period, this fund that has driven many initiatives in town centres and further afield.

The County Council bid into tranche 1 at the beginning of the Covid pandemic and was successful in receiving just under half-a-million pounds, I think it was about £450,000 for measures related to the Active Travel Fund. At that particular time, the Active Travel Fund the criteria that was used, consists of two pages of particular things that this could be used on and it ranged from cycling; walking; 20 mph reduction; modal filters; pedestrian zones; providing cycle stands; junction alterations; changes in routes; one-way streets. The list goes on. I think there were about twelve individual aspects that the initial Active Travel Fund could be used for.

I can tell you that that fund, the £450,000 the Authority received from Central Government, was utilised in 121 locations across Derbyshire ranging from town centre distancing measures right the way through to addressing parking issues in hot spots across Derbyshire as a whole. We have installed many many miles of yellow lines and temporary Traffic Regulation Orders which were put in place to manage scenarios the public were concerned about and the bus operators were concerned about and the emergency services were concerned about. I have every confidence that that particular budget was used effectively,

efficiently, and in the public interest. I will cover the £1.684m in Members' Questions later on during the meeting, Chairman.

(f) Question from Charlotte Farrell to Councillor S A Spencer – Cabinet Member – Highways, Transport and Infrastructure

Duty of care, equalities act and disability legislation require councils to protect vulnerable people. Despite Covid deaths, this county has an ageing demographic with rising numbers disabled by hearing loss, sight impairments, mental health issues, dementia, who use walking aids such as sticks or wheelchairs or who are unstable on their feet and vulnerable to a fall. About a half of all adults have some disability by age 65 years old. Falls account for one in nine ambulance call outs. Older people fear road injury as their reactions to avoid a hazard are slower and drivers cannot tell by looking who is disabled and who is not.

Research says the most effective prevention intervention for vulnerable road users is to make 20mph the normal road speed limit. What is the timescale for making 20mph normal for the ageing and vulnerable in our county?

Councillor Spencer responded as follows:

I recognise the issues that you have raised in your question and of course, the County Council here in Derbyshire does everything it can with the resources it has available to deliver safe projects across the highways' network. As I have said earlier today, 20 mph zone limits outside schools and in other locations across the County have been used but also, we have used many other methods of highways' management and highways' safety measures, which I applaud the Council for. We have protected the School Crossing Patrol services outside primary schools. We have installed engineering measures outside many primary schools and secondary modern schools as well and we have also delivered significant highways' improvements in many many locations and will continue to do so.

I refer Charlotte back to the investment protocol that we use. I also refer her to the Highways Network Management Plan which was published in March 2020 which highlights all the ways in which the Council addresses - it is 49 pages of ways in which this Council addresses the public need as far as highway safety is concerned.

(g) Question from Trevor Page to Councillor S A Spencer, Cabinet Member – Highways, Transport and Infrastructure

Does the Council agree with the Royal Society for the Prevention of Accidents when they state:

20mph limits are not just a road safety measure. Therefore, when assessing their value and effectiveness, it is important to consider increases in walking and cycling and improvements in quality of life indicators, such as health improvements, community cohesion and better air quality, as well as reductions in vehicle speeds and road crashes and casualties.

Councillor Spencer responded as follows:

I actually went on to the RoSPA website when I was researching this particular question, as I have done in the past. The RoSPA website is a massive website with lots and lots of different quotes about lots of different positions that RoSPA sees as important issues that should be addressed by local authorities and others in the prevention of accidents. This particular quote I couldn't find but I am sure it was there.

All I would say is that the Authority takes its responsibility seriously as far as highway safety is concerned and the prevention of accidents. A blanket coverage, as I have already said, of signage only will not achieve the objective that the public would hope it would do. We have to put in place the engineering measures that go with it. As I have already explained in my preamble, we have to take into account the financial implications and whether we are investing the public money we have available to us in the most effective, efficient way to deliver highway safety.

(h) Question from Diane Fletcher to Councillor S A Spencer, Cabinet Member – Highways, Transport and Infrastructure

Derbyshire County Council in its Health and Wellbeing strategy cites five priorities, the **first two** of which are:

- 1. To enable people in Derbyshire to live healthy lives**
- 2. Work to lower levels of air pollution**

At the same time NICE (National Institute for Health and Care Excellence) gives its own guidance on healthy living and air pollution. NICE recommends planning for walking and cycling¹ as essential to promote healthy living and, alongside this notes the importance of **traffic speed**. Studies estimate that reducing speed limits on residential roads to 20 mph is likely to result in a 26% reduction in pedestrian casualties of all ages. In its guidelines on Air Pollution² NICE advocates reducing speed to **20 mph to promote healthy living** as the reduced speed across an extended zone will avoid rapid

acceleration and decelerations, lower vehicle emissions and reduce both fuel costs and air pollution.

So, will the Council explain why, in order to achieve its own Health and Wellbeing priorities, it is not following NICE guidance and implementing a 20s plenty limit in urban and village developments across the county?

Councillor Spencer responded as follows:

As I highlighted in my preamble, to encourage people to use other forms of transport to travel to and through their days of work, to school etc is definitely a good thing. Many of our schools have school travel plans in place. I think over the Covid, period I actually do believe that people have looked at alternative forms of transport. It is really quite refreshing to see so many people choosing to walk or cycle, whatever the case may be, in preference to getting in the car or other means.

I have already highlighted in my preamble, the effectiveness to health and wellbeing as a consequence of not implementing these schemes correctly and appropriately. I would also say, Chairman, when you look at the implementation of signage only and the miniscule reduction in speed you can understand that the benefits, the health benefits and the other benefits related to that will not be as significant as they would be if there were engineering measures put in place and the reduction in speed was more significant.

I refer the questioner back to the issues that have been highlighted in the question and my preamble and point out to her that we have a situation where we must continue to invest and use our investment protocols in the best interests of all the public, which we will continue to do.

(i) Question from Philip Taylor to Councillor S A Spencer, Cabinet Member – Highways, Transport and Infrastructure

I am a wheelchair user. Does the council recognise that manipulating a wheelchair in villages such as Bamford in the High Peak, where I live, where very often pavements do not exist or are too narrow to use properly, is particularly dangerous. I am often forced into the road where it puts me and others like me, at severe risk of being hit and that the impact of that collision would be that much more severe at 30 mph than 20 mph and that severe injuries themselves cost the county significantly in terms of social care provision. Will it therefore say when it intends to implement 20 mph in all residential areas.

Councillor Spencer responded as follows:

Chairman, I have a certain amount of empathy with Mr Taylor on this particular subject. I do recognise that the very geography of our County causes significant problems for people who are using wheelchairs. We have a lot of narrow pavements, purely and simply because of the geography of the County. We have a lot of areas that have no pavements at all. I live in a village myself with no pavements and I know some years ago when I couldn't get around under my own steam it was challenging to get out and just walk down the street, so I have a lot of empathy with Mr Taylor's circumstances.

Mr Taylor would expect me to say that whatever I do moving forward as a Cabinet Member, I have already said that this Council does moving forward as far as highway safety is concerned, I refer him back to my preamble about the investment protocols; the Highways Network Management Plan and all the other measures that we put in place to deliver a safe network. Taking a blanket approach will not address these concerns and like I say, if there are particular issues of speeding in particular communities, I would be interested to hear if that was the case. I think it is only appropriate that we share that information with the enforcement agency who hopefully through the CREST partnership will work with us to address those issues. I can't give Mr Taylor an assurance that tomorrow I can resolve the issues he faces or the challenges he faces as a wheelchair user, but I can empathise with him that it is difficult in some areas of our County. Thank you, Chairman.

7/21 **PETITIONS** None received.

8/21 **COUNCILLOR QUESTIONS**

(a) Question from Councillor S Brittain to Councillor S A Spencer, Cabinet Member – Highways, Transport and Infrastructure

Why does is DCC still continuing to continue with their plans to close Crow lane to through motor traffic when;

- I have evidence that an overwhelming majority of people living in the area oppose this closure
- Virtually no hospital workers are using crow lane to get to work
- More cyclists are using Dark lane even though it is still open to through motor traffic
- Dark lane is much less suitable for motor traffic than Crow lane
- Although any accident is one to many, according to information from Crashmap only one accident has occurred on crow lane in the last 5 years.
- DCC have in the past refused to put a speed limit on Crow lane as requested by Toby Perkins MP, due to this low accident rate.

There are much better alternatives for active travel plans elsewhere.

Councillor Spencer responded as follows:

This question is directly linked with the third question I am going to answer so I will leave part of the answer until the third question.

Councillor Brittain, I wrote to you last week with a response to your email that you sent to me about the consultation and I have answered this question on three occasions now, or will have done, so I refer you to the answer I gave you last month and I refer you to the answer I gave you the previous month about the processes we are going through and what will happen over the coming weeks. Thank you, Chair.

Councillor Brittain asked the following supplementary question:

Firstly, can I thank Councillor Spencer for getting Crow Lane resurfaced, or parts of it recently. Secondly - and I hope that will be useful when it is reopened - is he aware that almost 75% of respondents to our survey, and we did a survey of over 500 people living in this part of Brimington and almost 75% of them did not want Crow Lane closed they wanted it reopened. That is the clear view of public feeling in the area. Toby Perkins has written to him on this issue and I do hope this matter will be looked at considerately rather than being dismissed as I believe you are tending to do. The public do not want this closure. Why are you going against the evidence of what the public want?

Councillor Spencer responded as follows:

I am not going against anybody's evidence. Let me explain to you what the situation is - again. We are going into a public consultation very shortly, Councillor Brittain, and all the issues you have just articulated to me can be fed into that consultation and your residents and everybody else's residents can have a say on the proposals for the Active Travel Fund that has been committed to this particular area.

I am sure you are not aware but today I received a letter from Chesterfield Royal Hospital which I am happy to - well I can't share it with you GDPR - but we have had a letter from Chesterfield Royal Hospital supporting the east-west link and the position we have taken with Crow Lane. That is something you need to discuss with your residents and you also need to discuss with Chesterfield Royal Hospital as well. That letter came in today. It has just come into my inbox today. I don't know what your survey says because you have carried it out. That doesn't come as any great surprise, but Toby Perkins, I have to say, is like a weather vane, he changes depending on which way the wind is blowing. When he has made up his mind, Councillor Brittain, he can probably let me know what it is. Thank you.

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

What is the average cost of repairing a pothole?

Councillor Spencer responded as follows:

Let me explain to you, it is a bit more complicated than you may first think but I will try and explain it to you. You will know that our crews, our highway staff have done an incredible job of productivity as far as pothole repairs are concerned over the last few years. I think the figures I have from April 2020 up until December, was they repaired 97,000 potholes. Back in 2017, the figure they repaired for the whole year was 28,966, that is with the same number of crews, so the productivity level is pretty high, and I applaud them for their efforts and their commitment to the organisation.

I also would say it is a bit more complicated and I will explain to you why. The first thing I would say to you is if the repair is required on an A road or a difficult junction sometimes it requires a temporary repair, sometimes it requires traffic management systems (which I know you will know are quite an expensive process if it is on an A road) and I also recognise that dependent on the location, size, depth and the location of the road itself and the structure round it, it is determined in the Highways Manual Order, which is issued to all staff now. It tells people how to repair it in detail, depending on the circumstances. There is no laid down prescribed that is a quick fix.

There is evidence to support, there is evidence in the industry magazines that will give you an indication of what it should cost to repair a pothole - and I am sure you can work out that if my budget, the Highways maintenance is £13.9m per annum, but that includes an awful lot of other things besides pothole repair, the pothole fund is £4.7m - I am sure you can work out 100,000 by £4.7m for yourself if you want an average, but I don't think that will give you a true reflection of the actual cost of each individual pothole. Does that help?

Councillor Marshall-Clarke asked the following supplementary question:

A constituent in my Division has informed me that a pothole on their street has had to be repaired four times in the last nine months which means this particular pothole costs X, well not four times what the average is, but four times for the repeat. Does the Cabinet Member think this is enterprising and value for money?

Councillor Spencer responded as follows:

Well, Chairman, I will keep it sweet and to the point. Councillor Marshall-Clarke has asked me, you want me to give you a price for repairing a pothole. You haven't told me where it is, how big it is. I will ask you, Councillor Marshall-Clarke, I will make it simple for you: how much does it cost to plaster a wall? I am not going to tell you how big it is. That is a ridiculous statement, but we will leave it at that. Getting back to the original point. As I have already explained to you, Councillor Marshall-Clarke, it is not as simple as ABC and you know it isn't. I am not going to give you a figure that is incorrect, that is not in my nature. I will try and establish the average if you want me to do an average.

Going back to the report of the four repairs. Let me ask you this: is it an emergency repair and is it in a sensitive location? That is the first point. Does it require a road closure to do it properly? You have not answered that question. If it is, it does want doing properly but there may be underlying reasons why it keeps re-appearing. Potholes when there is water and frost can be formed overnight so what we need to establish, Councillor Marshall-Clarke, is what is causing the problem not continue to fix the problem. You as the local member you tell me what it is, and I will sort it out. Thank you very much.

(c) Question from Councillor R George to Councillor S A Spencer, Cabinet Member – Highways, Transport and Infrastructure

What is the process for deciding how Derbyshire's allocation of £1,684,350 for Phase 2 of the Active Travel Fund is to be spent, how are the different options for improving cycleways and access being assessed, and what means are there for input from the people of Derbyshire and Elected Members?

Councillor Spencer responded as follows:

Thank you, Chairman. I am somewhat bemused that I am having to answer the question after Councillor George has already given the answer in the local press. I read the Buxton Advertiser's comments that you wrote yourself only the other day, but I will go into a bit more detail.

Back in 2020 the Council adopted the Key Cycle Network policy which was following a full county-wide consultation of a huge list of cycling initiatives that Derbyshire County Council in conjunction with its partners have been working on. I think there are over 131 in total to be honest with you. That policy document would have normally formed the foundations of my investment protocol if the grant could be used as I would choose to use it. In other words, if I had control over how that grant should be used that Key Cycle Network programme would have formed the basis of any decision-making protocols, but unfortunately in this instance, that is not the case. Let me explain to you why it is not the case.

I discussed earlier on that under Active Travel 1, there were about eleven different criteria for use of these funds. Under Active Travel 2, it was far more prescriptive in how those funds should be used. Officers were instructed to carry out an assessment of the possible schemes that fulfilled the Active Travel 2 criteria. Following extensive investigation, the officers then returned to me a proposal that they felt under Active Travel 2 criteria there was only one scheme in the whole of Derbyshire County Council's programme that would fulfil the requirements under Active Travel 2 criteria and that was for the east-west link through Chesterfield and outlying areas.

That left the Authority in a decision-making process, i.e. me in a decision-making process of whether to proceed and submit a bid on behalf of Derbyshire County Council to the Active Travel 2 fund or not to bother, so I concluded on the grounds of equity and the benefit to the overall county as a whole to submit the bid to which we were successful and as a consequence of that bid we are now, having been successful, going to a full public consultation on the only scheme that fulfilled the criteria of Active Travel 2, the DfT criteria, and I would have thought you would have known that being a former MP, the DfT criteria not misrepresenting the facts in the Buxton Advertiser as you have, because I didn't allocate the funds, it was a DfT programme and the County Council will carry out a full consultation on the proposals of the Active Travel 2 fund for Chesterfield. If it is concluded at the end of that consultation period and it is the wish of the correspondents who contribute to it that they do not wish the scheme to go ahead that money will go back to DfT. Simple as that.

Councillor George asked the following supplementary question:

The criteria as set out in the Active Travel Fund bid made by Derbyshire County Council were that such a scheme should "Encourage more cycling and walking trips, reducing travel flows and shifting trips from public transport." Those were the arguments that the County Council has used in your own form to the DfT to show how you fill the criteria.

Now the Chesterfield Scheme was number 88 on that list of 124 different routes within the Key Cycle Network, but it consists of four different sections which have all been allocated as one strategic scheme.

Within High Peak we have a Peak Forest tramway which is by necessity one section which has been divided up into four different sections. We have other sections into the edge of Buxton and into Buxton as a whole. If those sections had been analysed together, then they would have met that scheme criteria and been far further up the list of the Key Cycle Network priorities, so what I am asking is who made the decision to decide that the High Peak sections would be allocated

into very small sections, for which it is impossible to make a strategic case for each individual route, and why have *you*, and I am afraid you must take responsibility for the overall policy and the allocation of that bid, Councillor Spencer, as the executive member, you can't blame the DfT, you have to look at the actual sections of the Key Cycle Network that are there and I am sorry, but it is not good enough to simply say "Oh my officers came back and said that there was only one that fitted the bill." I would hope that a responsible Cabinet Member would look at it a bit more closely than that, would look at sections for example in High Peak which has seen no cycling funding since the days of the Sett Valley Trail that were put in decades and decades ago as opposed to Chesterfield which has had considerable tranches of funding put in. I don't deny them that but when you come up with a scheme which has a petition of hundreds and hundreds of signatures against it and one in High Peak that is exceedingly popular, then it begs the question where is the democratic input from the people of Derbyshire into this and where is any consultation with them or with elected members?

Councillor Spencer responded as follows:

I do take full responsibility for the actions of my department. I take full responsibility for the decisions that are made as an executive member. I would refer Councillor George back to my original statement about the Key Cycle Network consultation that took place only last year or the year before in fact, the document was published last year. I never heard the issues you related to highlighted in that consultation document looking at things in the way you have articulated just very recently. If they had have been, I am sure the officers would have given due consideration to them throughout that consultation process.

With regard to the Chesterfield Scheme, I have to in good faith, as I do in many decision-making and investment protocol decisions, take due diligence of the advice I receive from professional officers. That is absolutely imperative in the decision-making process and submission of bids.

I have only today heard from Councillor Brittain, he has many hundreds of signatures. I don't know how many signatures he has, I am not privy to that information, so if you are perhaps you can convince Councillor Brittain to submit that information during the consultation period.

Getting back to the investment protocols, I will tell Councillor George if I had had my preference, and I have a preference like everybody else, one of my ambitions as far as the Key Cycle Network is concerned is the completion of the White Peak Loop and that is highlighted within the Key Cycle Network documentation. I consider that to be a very important strategic part of the Key Cycle Network for the County. I do not decry what you say about the area you represent may

be correct, but I do have to take assurances from my officers when they tell me that the criteria is set.

I have to say also, Councillor George, that my understanding is that the criteria with regard to tranche 2 Active Travel was very much focused round urban settings, which I am sure the proposal you are talking about does not fall into. I have to take that in good faith and I have to take the recommendations from officers in good faith, because I am not going to go individually through 124 individual schemes across Derbyshire to make an assessment myself, even if I had the time to do it, but the top and bottom line is we are where we are. The criteria for tranche 2 were clearly defined and as far as I am aware, the officers followed the criteria that was set by DfT and has submitted a bid on those lines. As I have already said to you, if it is the view of the residents of Chesterfield and outlying areas that they do not wish that scheme to go ahead obviously some other area of the country will benefit from that.

Having said all of that my preference, if I had had a choice - and I will be quite open about this - if I had had a choice and the DfT guidelines were not so prescriptive, I would have been pushing the investment on the lines of the Key Cycle Network priority list, which is what the purpose of that Key Cycle Network document is all about. Thank you, Chairman.

9/21 RESERVES POSITION The Director of Finance & ICT asked Council to note the current and forecast positions for both General and Earmarked Reserves and to approve the Reserves Policy.

The Council's General Reserve position was last reported to Cabinet on 30 July 2020, as part of the Revenue Outturn Report 2019-20. The level of General Reserve projections had been updated as part of the updated Five-Year Financial Plan 2021-22 to 2025-26, which was included in the Revenue Budget Report 2021-22, also for consideration at this Cabinet meeting. The General Reserve balance was forecast to be between £10m and £24m over the medium-term.

It was recognised that the forecast General Reserve balance over the medium-term was lower than would be preferred. Restorative measures would be utilised over the period of the Five-Year Financial Plan to build back up the balance of the General Reserve. There were further options around the funding of planned capital investment projects which could release in excess of £30m of revenue contributions to fund capital expenditure which could alternatively be funded from additional borrowing and the money utilised instead to ensure that the Council's General Reserve position remains at a reasonable, risk-assessed level.

Earmarked Reserves were a means of smoothing expenditure to meet known or predicted liabilities. Funds should be used for the item for which they had been set aside. Any funds no longer required should be transferred to the General Reserve. Earmarked Reserves totalling £229.138m were held at 1 April 2020. Of this total, £91.314m (40%) was available to support future spending. Details of the balances categorised in accordance with the Reserves Policy were presented.

The Council's Earmarked Reserve balances were reviewed during Autumn 2020. Departments had agreed to release £9.212m from balances, which would be utilised to support the Council in achieving a balanced budget over the medium-term. This amount would initially be held in the Budget Management Earmarked Reserve, but the balance of that reserve, including this transferred balance, was expected to be fully used in supporting one-off expenditure in the Revenue Budget Report 2021-22. Details of the balances to be released were shown in Appendix 1 to the report. It was also proposed to establish an earmarked reserve to support the Thriving Communities project and to transfer £0.167m to this reserve from the Derbyshire Challenge Fund. Details were presented of the forecast movement in Earmarked Reserves from the date of the review to 31 March 2021.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) note the current position on Earmarked Reserves;

(2) note the details of the balances to be released from Earmarked Reserve balances;

(3) approve the allocation of £9.212m Earmarked Reserves released to the Budget Management Earmarked Reserve; and

(4) approve the transfer of £0.167m from the Derbyshire Challenge Fund to a newly established earmarked reserve to support the Thriving Communities project.

10/21 BUDGET CONSULTATION RESULTS The Director of Finance & ICT reported on the outcome of the Council's budget consultation exercises in formulating its budgetary proposals to Full Council regarding the Revenue Budget for 2021-22.

The Council had, for a number of years, undertaken a variety of consultation exercises, using a range of methods, in the preparation of its annual revenue budget. For 2021-22, the Council devised a "Your Council, Your Voice 2020" survey. As in 2020-21, this was an in-depth survey, combining both budget and residents' consultations, to provide even more useful information than in surveys before 2020-21. The

headline findings from the survey were being used to refresh the Council Plan for 2021-22 and the budget consultation elements were reported on here. Plans were being formulated to undertake further analysis to support wider strategy development across the Council and engagement with residents and local communities.

Consultation was undertaken by means of an online survey and also focus groups. Details of the outcome of the consultation were presented in the report. In line with the provisions of the Council's Constitution, the Improvement and Scrutiny Committee – Resources had been consulted in relation to the budget and the Director of Finance & ICT had engaged with the Committee regularly throughout the year. In addition, the trade unions had been consulted through the Corporate Joint Committee.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to take into account the views of the consultation respondents in formulating regarding the Revenue Budget for 2021-22.

11/21 **REVENUE BUDGET REPORT 2021-22** The Director of Finance & ICT reported on proposals regarding the Revenue Budget and Council Tax for 2021-22.

The budget had been constructed in the context of currently known information. Details of the Final Local Government Finance Settlement are expected to be published in early February 2021. Information relating to the funding and income streams to the Council were set out in Appendix 1 to the report. The report details the in-year position, including the impact of Covid-19, details of the Spending Review 2020 and the Provisional Local Government Finance Settlement, including Council Tax levels, before identifying the service pressures facing the Council and consequent budget savings required. The report also details the Council's financial standing and the robustness of the estimates made in preparing the budget.

The Revenue Budget 2020-21 was set in the context of the current in-year financial position. The Covid-19 pandemic was having a significant impact on the Council's 2020-21 forecast outturn. An overall Council underspend of £9.617m was forecast, after accounting for £45.037m of Ministry of Housing Communities & Local Government (MHCLG) Covid-19 emergency grant funding awarded and additional income of £4.853m compensation for lost sales, fees and charges income estimated to be claimable under the Government scheme announced on 2 July 2020. Additionally, the Council had received £38.023m of ringfenced Covid-19 specific funding against Covid-19 related costs forecast to be incurred in 2020-21. The overall underspend for 2020-21 was being achieved, in part, through the use of these and other one-off funding measures and underspends on corporately held

budgets, as there continued to be immense pressure on all demand led services, in particular those around services to children.

A Council portfolio overspend of £11.835m was forecast, after the use of the un-ringfenced and specific Covid-19 grant funding for Covid-19 related costs forecast to be incurred in 2020-21, further details of which were presented.

Un-ringfenced Covid-19 related costs across the portfolios were forecast to be £34.023m in 2020-21. This was the forecast additional cost and lost income of the Council's response up to the end of March 2021, including the impact of slippage to the planned programme of savings which could not yet be implemented as a result. This amount allows for any specific funding to offset the gross Covid-19 related costs which had already been forecast to be allocated to individual portfolios and details were contained in the report. Budget of £34.023m would be allocated to portfolios from the Risk Management Budget, where the emergency Covid-19 grant funding and reimbursement for lost income from sales, fees and charges received from Government had been temporarily allocated, to match these costs.

The degree of uncertainty over medium-term funding could be related to the following issues in particular:

- the increasing likelihood of councils issuing S114 notices allied to the requirements of the Financial Management Code for transparency in the sustainability of individual local authorities;
- the continuing increase in pressures;
- the need to maintain a significant and risk assessed level of reserves over the medium term; and
- the increasing difficulty in making significant and sustainable budget reductions.

The Council had a well-established and robust corporate governance framework. This included the statutory elements like the post of Monitoring Officer and the Section 151 Officer in addition to the current political arrangements. The impact of Covid-19 would have an effect on financial sustainability and had been considered. That aside, there were no further material issues identified through the Council's Annual Governance Statement process that might significantly impact on the Council's Financial Resilience.

The Council was working with the Local Resilience Forum on Covid-19 recovery. The Council's focus was still firmly on the response activities and the Council was working with a range of partners locally and regionally on a Covid-19 recovery programme.

As a principal local authority, the Council had to operate within a highly legislated and controlled environment. An example of this was the requirement to set a balanced budget each year, combined with the legal requirement for the Council to have regard to consideration of such matters as the robustness of budget estimates and the adequacy of reserves. In addition to the legal framework and Government control, there were other factors, such as the role undertaken by the external auditor, as well as the statutory requirement, in some cases, for compliance with best practice and guidance published by CIPFA and other relevant bodies. For example, the Council has measured itself against the principles set out in CIPFA's Financial Management Code and is confident that it is achieving these in all substantive areas.

Against this backdrop it was considered unlikely that a local authority would be 'allowed to fail', with the likelihood being that when faced with such a scenario, that Government would intervene, supported by organisations such as the Local Government Association, to bring about the required improvements or maintain service delivery. However, given the severity of this pandemic on the country's finances, it would be complacent to rely on Government intervention. MHCLG had conceded that authorities could still be left with unmanageable pressures and may continue to be concerned about their future financial position, urging any authority that found itself in that position to contact the Department with immediate effect.

Whilst the Council had deployable resources and assets at its disposal in the short to medium-term, there remained a risk to its financial sustainability in the longer-term from costs associated with Covid-19 and of not achieving substantial budget savings.

The Section 151 Officer had the power to issue a Section 114 notice if there was a significant risk that the Council will not be in a position to deliver a balanced budget by the end of the current financial year. This was an emergency situation where a response is required by legislation. The notice meant that no new expenditure was permitted, with the exception of safeguarding vulnerable people and statutory services and continuing to meet existing contract obligations. Despite the current financial pressures there was no intention at this time to issue a Section 114 notice.

It was unclear how much further Government support would be provided to cover the costs resulting from the pandemic; these costs were expected to be well in excess of the support already provided. It was encouraging that a new round of Covid-19 funding had been announced, into 2021-22, as the second wave of the pandemic was escalating in severity. Although the immediate impact of losses on the Council Tax and Business Rates collection funds had been eased, by allowing these costs to be spread over three years instead of one, the Government's had only committed to reimburse councils for some of

these losses. It was also apparent that Government would only provide compensation for some of the Council's lost income from fees and charges. Consideration would be required as to how the Council could react to replace these income streams if they fail to recover to pre-Covid-19 levels.

Despite these risks, the Council had sufficient reserves it could deploy to meet the anticipated funding shortfall, should it be required to do so. If it were to use its reserves for this purpose, however, this would significantly impact on the funding of the Council's planned improvements, delay some savings plans and require additional general reserves to be set aside in order to ensure that the balance of general reserves remains at a prudent risk-assessed level. Due to the Council's Treasury Management Strategy over the last decade being to use internal borrowing, rather than take on new long-term external borrowing, the Council had head-room, within the scope of its powers under the Prudential Framework, to take on additional external borrowing to preserve the liquidity of its cash flow, should it need to do so.

Experience and investigations into those councils experiencing financial failure demonstrated that periods of lower than allowed Council Tax rises could contribute significantly to exacerbate other financial issues, such as reducing Government support, increasing budget pressures, an overly-optimistic savings programme or lack of strength on the Balance Sheet. Having regard to the Council's arrangements and the factors as highlighted in this report, the Director of Finance & ICT as Section 151 Officer concludes that Derbyshire County Council could set a balanced budget for 2021-22 and across the period of the FYFP and that it remained a going concern, although it would continue to require difficult decisions to be made and strong, robust financial management to continue.

The Council had, for a number of years, undertaken a variety of consultation exercises, using a range of methods, in the preparation of its annual revenue budget. However, recently as part of the significant budget savings required, the Council had enhanced the value of the consultation exercises by using alternative approaches. A separate report highlighting consultation activity recently undertaken had been considered at the Cabinet meeting. The responses to that consultation exercise must be conscientiously taken into account when this decision was taken.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) note the details of the Spending Round 2020 and Provisional Local Government Finance Settlement as outlined in sections 2(b) and 2(c);

(2) note the Government's expectations about Council Tax levels for 2021-22 in section 2(d);

(3) approve the precepts as outlined in section 2(d) and Appendix to the report;

(4) approve that billing authorities are informed of Council Tax levels arising from the budget proposals as outlined in section 2(d) and Appendix 3 to the report;

(5) approve the contingency to cover non-standard inflation as outlined in the report. The contingency to be allocated by the Director of Finance & ICT once non-standard inflation has been agreed;

(6) approve the service pressure items identified in section 2(g) and Appendix 4 to the report;

(7) approve the level and allocation of budget savings as outlined in section 2(h) and Appendix 5 to the report;

(8) note the Director of Finance & ICT's comments about the robustness of the estimates and adequacy of the reserves as outlined in section 2(i);

(9) note the details of the Council's consultation activity as outlined in section 2(k);

(10) approve the Council Tax requirement of £348.070m;

(11)

	£
Budget Before Pressures and Budget Reductions	551,867,145
Plus Service Pressures – on-going	19,310,170
Plus Adult Social Care Precept	3,405,830
Plus Service Pressures - one-off	16,136,000
Less Budget Reductions	-13,291,000
Decrease in Debt Charges	-5,000,000
Decrease in Risk Management Budget	-2,083,958
Decrease in Interest Receipts	2,182,000
Net Budget Requirement	572,526,187
Less Top-Up	-94,891,733
Less Business Rates	-17,679,000
Less Revenue Support Grant	-13,813,482
Less New Homes Bonus	-1,548,507
Less General Grant	-69,080,490
Less PFI Grant	-10,503,833
Less Use of Earmarked Reserves	-16,136,000

(12) approve the allocation of a one-off amount of £50,000 from the Council's General Reserve to fund the use of external support to identify potential savings opportunities by analysing similar councils' comparative spend and outcomes across the provision of services;

(13) approve the use of the Revenue Contributions to Capital Expenditure Earmarked Reserve to provide one-off support to the 2021-22 Revenue Budget; and

(14) authorise the Director of Finance & ICT to allocate cash limits amongst Cabinet portfolios; Executive Directors would then report to Cabinet on the revised service plans for 2021-22.

A recorded vote was taken and recorded as follows:

For the recommendation: (55) Councillors T Ainsworth, D Allen, R Ashton, K S Athwal, J Atkin, N Atkin, S A Bambrick, N Barker, B Bingham, Ms S L Blank, J Boulton, S Brittain, S Bull, K Buttery, Mrs L M Chilton, J A Coyle, A Dale, Mrs C Dale, R Flatley, M Ford, Mrs A Foster, J A Frudd, R George, K Gillott, 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, B Ridgway, C Short, P J Smith, S A Spencer, A Stevenson, S Swann, D H Taylor, Mrs J A Twigg, M Wall, G Wharmby, Mrs J Wharmby and B Wright.

Against the recommendation: (0)

Abstentions: (1) Councillor S Burfoot

12/21 **CAPITAL PROGRAMME APPROVALS, TREASURY MANAGEMENT AND CAPITAL STRATEGY** The Director of Finance & ICT sought approval for proposals relating to the capital starts programme for 2021-22 and the Treasury Management, Investment and Capital Strategies.

In line with previous years, the proposed new Capital Starts Programme for 2021-22 had been evaluated and it was recommended to proceed with new borrowing of £32.121m (excluding invest to save schemes). The detailed proposals were set out in Appendix 1 to the report.

The Treasury Management Strategy Report for 2021-22 (Appendix 2 to the report) sets out the Council's management of its cash flow, borrowing and investments and the management of its associated risks.

The Investment Strategy Report for 2021-22 (Appendix 3 to the report) dealt with the management of the Council's balances and reserves, managing the balance between risk and return.

The Capital Strategy (Appendix 4 to the report) for 2021-22 provided a high-level overview of how capital expenditure and capital financing contribute to the provision of local public services.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) approve the 2021-22 Capital Starts Programme set out in Appendix 1 to the report;

(2) adopt the Treasury Management Policy set out in Appendix 2 to the report;

(3) adopt the Investment Strategy set out in Appendix 3 to the report; and

(4) adopt the Capital Strategy set out in Appendix 4 to the report.

13/21 **PAY POLICY STATEMENT 2021** The Managing Executive Director 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 2021.

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 6.8:1

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 2021-22 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 2021 and for its publication on the Council's website.

14/21 **APPOINTMENT TO THE ROLE OF EXECUTIVE DIRECTOR PLACE** The Executive Managing Director sought approval from Council to approve the salary package for the role of Executive Director - Place and to delegate the appointment of the Executive Director - Place to a recruitment panel.

At the meeting of Full Council on 2 December 2020, Council received a report confirming that following the review of the operating model, the vacant post of Executive Director, Economy, Transport and Environment would be re-titled Executive Director - Place and recruitment to the role would commence in December 2020. The Director of Organisation Development and Policy has progressed arrangements to form a recruitment panel comprising of three Elected Members which must include one Cabinet Member. Councillors Simon Spencer, Tony King and Mick Wall have been nominated as members of that recruitment panel.

Additionally, arrangements were made to draw up a job and person profile specifying the duties, qualifications and qualities required to undertake the role. Accordingly, the role was advertised as widely as possible to attract the widest possible field of applicants. The advert for the role had now closed and the Council had received a relatively large number of applications.

The interviews for this role will take place on 9 and 10 February 2021. As set out in Appendix 9, Officer Employment Procedure Rules 3 (d) states that;

‘The Full Council will approve the appointment of the Head of Paid Service and Executive Directors ...’

The Panel will have identified the successful candidate and be in a position to propose his/her appointment to the role on 10 February, however the next Council meeting is not scheduled until 24 March 2021. Waiting for the approval until the meeting on 24 March would likely prevent any candidate from tendering their resignation with their current employer prior to the Council meeting and delay the candidate starting. The role was a critical role to the Council and was part of the Council's Senior Leadership structure supporting the Council's Covid response, in addition to business as usual, it was therefore considered necessary

that a decision to approve the appointment should be made quickly to enable this post is filled as soon as possible on a permanent basis.

On this occasion, in order to avoid delay, Council was asked to delegate the appointment to the role of Executive Director - Place to the recruitment panel to ensure the role was filled as soon as was practicably possible. A report would be presented to Full Council at its meeting on 24 March 2021 that confirmed the details of the appointment.

Whilst it was not a legislative requirement for Council to approve the appointment of an Executive Director, the statutory guidance issued under section 40 of the Localism Act 2011 did require Council or a meeting of members to vote before salary packages over £100,000 were offered.

The role of Executive Director - Place salary was determined by the Council's job evaluation scheme and had been determined as Grade 20 £117,869 to £129,655 per annum of the Council's Pay structure. The terms and conditions for the post are set out in the Council's standard terms and conditions in the Derbyshire package. Council is therefore asked to approve the salary for the role of Executive Director Place.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) approve the salary package for the role of Executive Director - Place as Grade 20, £117,869 to £129,655 per annum;

(2) delegate the appointment of the Executive Director - Place to a recruitment panel, comprising Councillors S A Spencer, T King and M Wall; and

(3) receive a report confirming details of the successful candidate to the meeting on 24 March 2021.

Council Procedure Rules - Standing Order 4.1

On the motion of Councillor B Lewis, duly seconded,

RESOLVED that under rule 4.1 of the Council Procedure Rules within the Council's Constitution relating to the time meetings should end (5pm) Council agrees the meeting should continue for a period of 15 minutes to enable the remaining business on the agenda to be considered.

15/21 **UPDATES TO THE CONSTITUTION** The Director of Legal and Democratic Services and Monitoring Officer reported on proposed amendments to the Constitution. A review of the Constitution

was being undertaken which had initially identified several provisions where change should be considered. The proposed amendments had all been considered by the Governance, Ethics and Standards Committee at its meeting on 19 January 2021 as set out in the Constitution and had been recommended for approval by Council. A further report would be presented to the Council in due course on additional amendments which were identified as part of the review.

The following amendments were proposed to the Council Procedure Rules.

(i) Cabinet Report to Council

There was a provision in the constitution at Appendix 3, Council Procedure Rules, Section 9B Questions by members on the Report from Cabinet as follows:

“9B. Questions by Members on the Report from Cabinet
(a) After giving written notice to the Director of Legal and Democratic Services by 12 noon on the Friday before the Council meeting, a Member of the Council may ask a member of the Executive a question on items in the report.
(b) A Member asking a question under this Standing Order may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.”

It was noted that after February 2019, the Cabinet Report to Council was no longer presented to Council. However, this change had not been ratified by Council or considered by the Governance, Ethics and Standards Committee and the provision remained in the Constitution. When this issue was identified, a Report from Cabinet was submitted to the Council meeting held on 2 December 2020 which rectified the position for the period March 2019 to December 2020.

If these provisions were removed, any Member would continue to have the right to ask a question at Council of a member of the Executive under Standing Order 8.1. In addition, under the Access to Information Procedure Rules the Executive would still be required to submit quarterly reports to the Council on the cabinet decisions taken in the circumstances set out in Rule 15 of the Access to Information Procedure Rules (special urgency) in the preceding three months.

(ii) Receipt of Minutes of Committees, Joint Committees and the Fire Authority

There was a provision in the Constitution at Appendix 3, Council Procedure Rules, Section 4, Order of Business, item (n) Receive the minutes of committees, joint committees and the Fire Authority. These

minutes were last presented to Council in February 2019. As with the Cabinet Report to Council detailed above, it was understood that when the Constitution was reviewed in 2019, there had been some consideration by Members to remove this provision from the Council Procedure Rules. However, this amendment was not reported to Council in May 2019 and therefore the Constitution was not amended.

If this provision was removed, any Member will continue to have the right to ask a question at Council of the nominated representative of the Derbyshire Fire Authority on the discharge of the functions of the Fire Authority under Standing Order 8.4.

(iii) Member/Public Questions

The Constitution (Appendix 3, Council Procedure Rules, Section 10.5) sets out the scope of public questions as detailed below:

“The Director of Legal and Democratic Services may reject a question if it:

- Exceeds 200 words in length;
- is not about a matter for which the Council has a responsibility, or which affects Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.”

However, there was no such provision for Member questions (Council Procedure Rules, Section 8) and Council is recommended to amend the Constitution in order that these should now be included in the Rules relating to Member questions.

Similarly, Council Procedure Rules in relation to public questions, state that in the absence of the questioner, the Chairman may ask the question on the questioner’s behalf, indicate that a written reply will be given, or decide that the question will not be dealt with. No such provision is made for Member questions and it is proposed that this now be added.

(iv) Order of Business

The Council Procedure Rules (Appendix 3, Section 4) set out the order in which the business of a Council meeting should be considered. Should Council agree to remove the provisions of the Constitution as detailed in (i) and (ii) above, the following existing provisions would be removed from the Constitution:

- 4(k) Report from the Cabinet and Members' Questions on the Report
- 4(n) Receive the minutes of committees, joint committees and the Fire Authority

2.12 The revised order of business would be as follows:

- (a) If necessary, the appointment of the Chairman
- (b) Apologies
- (c) Declarations of interests
- (d) Chairman's announcements
- (e) Minutes of the previous meeting
- (f) Report of the Leader of the Council and Members' Questions
- (g) Questions submitted by the public
- (h) Petitions
- (i) Questions submitted by Members
- (j) Reports of officers
- (k) Presentations
- (l) Motions

(v) Section 2 – General Meetings

There was currently no provision in the Constitution to provide for the cancellation of a scheduled meeting of the Council as a result of a lack of business or in exceptional circumstances (such as the Covid-19 Pandemic). It was therefore proposed that an additional section be added to the Council Procedure Rules as 2.2 to read:

“The Chairman may cancel a scheduled meeting of the Council due to lack of business or in exceptional circumstances after consultation with the Leader of the Council and the Leader of the Main Minority Group.”

As Members would be aware, the Council was required to appoint an 'Independent Person' who has a role in dealing with Code of Conduct complaints. The remit of the GES Committee as detailed in Article 11 of the Constitution, implied that the Independent Persons were members of the Governance, Ethics and Standards Committee. However, in practice they had not been formally co-opted onto the Committee or paid a co-opted member allowance. To provide clarity therefore, it was proposed that the wording on the composition of the Committee be amended to read;

“The Governance, Ethics and Standards Committee will comprise of 8 Elected Members.”

Under the responsibility for functions of the Director of Legal and Democratic Services (Section 20), there is provision for them;

“To appoint an independent person of another authority’s Standard Committee, where necessary because of a conflict of interest or non-availability, to serve a temporary member of the Standards Committee.”

In light of the fact that the Independent Person was not a member of the Governance, Ethics and Standards Committee as set out above, it was proposed that the delegation is removed.

As Members will be aware, Council approved a revised leadership model at its meeting on 2 December 2020. As a result, there were various changes required to Appendix 1 of the Constitution to reflect the new role of Managing Director with effect from 1 January 2021. It was proposed that the Director of Legal and Democratic Services be authorised to make the necessary changes to the Constitution to reflect the new role.

Attached at Appendix A to the report is a revised list of legislation under which the Director – Community Services could authorise enforcement and administrative duties to be undertaken. On 9 December 2020, the Director of Legal and Democratic Services authorised the inclusion of this revised list in accordance with delegation 18 of the delegations to the Director of Legal and Democratic Services to *“undertake any revisions or amendments to the Constitution required as a consequence of amendments or variations to legislation, or the implementation of new legislation. Such amendments to be retrospectively approved by the Council.*

Section 20.1(b) of the Constitution relating to the Corporate Management Team should include the following list of officers:

- Managing Executive Director – Commissioning, Communities and Policy
- Executive Director – Children’s Services
- Executive Director – Adult Social Care and Health
- Executive Director - Place
- Director of Finance and ICT
- Director of Legal and Democratic Services
- Director of Organisation Development and Policy
- Director of Public Health

Section 20.1(c) – ‘Head of Paid Service, Monitoring Officer and Chief Finance Officer’ required amendment so it was clear that the Managing Executive Director – Commissioning, Communities and Policy was the Head of Paid Service.

Under Appendix 7 – Budget and Policy Framework Rules, 2.22 Section (l) required amendment to reflect the current provisions in the

Local Authorities (Standing Orders) (England) Regulations 2001. The section should read as follows:

“(I) Where, before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (where originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992;

(ii) estimates of other amounts to be used for the purposes of such a calculation;

(iii) estimates of such a calculation; or

(iv) amounts required to be stated in a precept under Chapter IV of I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts, the Council has any objections to them, it must follow the procedure in paragraph 7 to 9 of Part II of Schedule 2 to the Standing Order Regulations.”

The following amendment to the recommendations was moved by Councillor M Wall, duly seconded,

That the Council accepts the recommendations to Council to amend the Constitution with the exception of the removal of 2(a)(i) and 2(a)(iii).

The amendment to the motion was duly voted on and declared to be lost.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to approve the proposed amendments to the Constitution as detailed in the above.

Council Procedure Rules - Standing Order 4.1

On the motion of Councillor B Lewis, duly seconded,

RESOLVED that under rule 4.1 of the Council Procedure Rules within the Council’s Constitution relating to the time meetings should end (5pm) Council agrees the meeting should continue for a period of 10 minutes to enable the remaining business on the agenda to be considered.

16/21 UPDATES TO THE CONSTITUTION The Director of Legal Services and Monitoring Officer reported on proposals for the recruitment of Independent Persons.

S27 Localism Act required that the arrangements under which decisions on allegations made that a Councillor had breached the Code of Conduct must include provision for the appointment of at least one independent person. The views of the independent person must be sought and taken into account by the authority before it made its decision on an allegation that it had decided to investigate. The views of the independent person may also be sought by the Council in relation to any allegation made against a member or by a member against whom an allegation has been made.

In addition, the Local Authorities (Standing Orders) (England) Regulations as amended in 2015, extended the remit of independent persons in that they were now also required to sit on the Panel which was convened as necessary to consider disciplinary allegations against the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer to advise and make recommendations to the Council.

Until recently, the Council had three independent persons. However, two had resigned during the course of their second term of office and the third, Mr Lloyd Newby, was approaching the end of his second 4-year term of office. Consequently, the Council must now appoint at least one independent person.

Independent persons must be appointed through a process of public advertisement and application. Therefore, a recruitment process was commenced at the end of November 2020. As a result, one applicant, Mr Ian Orford, was shortlisted and was successfully interviewed by the Director of Legal and Democratic Services, the Director of Finance and ICT and the Director of Organisational Development and Policy on 8 January 2021. Following that interview it was proposed that Mr Orford be recommended for appointment as an Independent Person, subject to the Interview Panel obtaining satisfactory references. Mr Orford's appointment has been considered by the Governance, Ethics and Standards Committee who agreed to recommend his appointment to full Council.

As Mr Orford was new to the role of independent person, the Interview Panel recommended that the appointment should be subject to a review after twelve months. It was proposed that the review would be conducted by the Monitoring Officer in consultation with the Chair of the Governance, Ethics and Standards Committee.

Additionally, as Mr Orford is a new appointment, it was proposed that Mr Newby's term of office be extended for a further 12 months in order to retain the knowledge and experience he has gained. Again, the Governance, Ethics and Standards Committee had considered this proposal and has recommended approval by full Council. The current Code of Conduct for Elected Members would be reviewed, and these appointments would provide the Governance, Ethics and Standards

Committee with the opportunity to review the current arrangements for independent persons and consider whether further recruitment is required.

It was proposed that each Independent Person should be paid an allowance of £125 per session for attendance at meetings, hearings or events.

RESOLVED to approve (1) the appointment of Ian Orford as an Independent Person under the Localism Act for a term of office of four years, but subject to a review after 12 months; and

(2) the extension of the term of office for Mr Lloyd Newby for a further 12 months.