

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held on 26 May 2021 at the Casa Hotel in Chesterfield.

PRESENT

Councillor T Ainsworth (In the Chair)

Councillors D Allen, R Ashton, K S Athwal, N Atkin, J D Barron, B Bingham, S Bull, S Burfoot, D Collins, C Cupit, A Dale, C Dale, J E Dixon, D Du Celliee Muller, R Flatley, M Ford, E Fordham, M Foster, R George, A Gibson, K Gillott, D Greenhalgh, A Griffiths, N Gourlay, C A Hart, A Hayes, G Hickton, S Hobson, N Hoy, R Iliffe, J M Innes, G Kinsella, T A Kemp, T King, B Lewis, W Major, R Mihaly, P Moss, D Murphy, G Musson, J Nelson, P Niblock, R A Parkinson, J E Patten, L Ramsey, R Redfern, C Renwick, P Rose, J Siddle, P Smith, S A Spencer, A Stevenson, A Sutton, S Swann, D H Taylor, J Wharmby, D Wilson, B Woods, J Woolley and M Yates.

35/21 **APPOINTMENT OF CHAIRMAN OF THE COUNCIL FOR 2021-22** Helen Barrington, Director of Legal and Democratic Services opened the meeting and sought nominations for appointment of the Chairman of the Council for the ensuing year. On the motion of Councillor B Lewis, duly seconded,

RESOLVED that Councillor T Ainsworth be appointed Chairman of the County Council for 2021-22.

Councillor T Ainsworth entered the room and took the Chair.

36/21 **APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors A M Clarke, A Foster and L Grooby.

37/21 **DECLARATIONS OF INTEREST** There were no declarations of interest.

38/21 **CHAIRMAN'S ANNOUNCEMENTS** The Chairman referred to the following points in his announcements:

- Welcomed the new elected members to their first Full Council meeting;
- Welcomed Chris Henning the newly appointed Director of Place to his first meeting;

- Thanked Mr Roy Ackrill, Democratic and Registration Services Manager, for his service to the Council and wished him well for his future retirement;
- Referred to the Coronavirus pandemic and the implications this had made for the Council and the fact that this Annual General Meeting was currently taking place at the Casa Hotel in Chesterfield in order to comply with regulations and current restrictions;
- Referred to the Council's many achievements over the past four years and specifically over the last twelve months in relation to how the Coronavirus pandemic had changed the way the Council and its staff had worked in relation to flexibility and a willingness to embrace change; and
- Touched on a few of the priorities and ambitions for the Council over the next four years.

39/21 **MINUTES OF THE COUNCIL MEETING** On the motion of Councillor B Lewis, duly seconded,

RESOLVED that the minutes of the meeting of the Council held on 24 March 2021 be confirmed as a correct record.

40/21 **APPOINTMENT OF CIVIC CHAIRMAN FOR 2020-21** On the motion of Councillor B Lewis, duly seconded,

RESOLVED that Councillor Mrs J Wharmby be appointed Civic Chairman of the County Council for 2021-22.

41/21 **APPOINTMENT OF CIVIC VICE CHAIRMAN FOR 2020-2**
On the motion of Councillor W Major, duly seconded,

RESOLVED that Councillor D Wilson be appointed Civic Vice Chairman of the County Council for 2021-22.

42/21 **APPOINTMENT OF LEADER OF THE COUNCIL** On the motion of Councillor S A Spencer, duly seconded,

RESOLVED that Councillor B Lewis be appointed Leader of the Council for 2021-25.

43/21 **REPORT OF THE LEADER** The Leader, Councillor B Lewis, gave a report which made reference to numerous issues including past achievements, future ambitions and included the following:

- Congratulated the newly appointed Chairman and Civic appointees;

- Mentioned the many elected members who had stepped down at the election or had lost their seats and expressed his thanks for their service and hard work;
- Welcomed the newly elected members and referred to the newly established Cabinet and associated decision-making bodies;
- Thanked Mr Roy Ackrill for his service to the Council and wished him a long and happy retirement;
- Made reference to the Council's achievements over the last four years;
- Referred to in detail the future commitments that had been pledged for the next four years of office;

The following question was raised by Councillor Fordham:

“You mentioned, Councillor Lewis, a closer working relationship with Councils and the Boroughs and Districts on highways. I wonder when many of us who are District and Borough Councillors as well, and many of us have come from that tradition, if one of the advantages of two-tier systems is, we have such local and close local government. I wonder if when members from Borough and District Councils report concerns over road speeding and road safety whether there could be a process that was more personalised than simply an email back, or perhaps put another way how many residents in my Ward have to die on Malvern Road before we act?”

Councillor Lewis responded as follows:

“This is the subject of a number of questions I think later on today, Chairman, so I am sure the Cabinet Member will pick up some of those relevant points and perhaps mention them, but it is an issue in terms of communication. We have done a lot to address that already. We do continue to speak to our District colleagues across the County Council as part of Vision Derbyshire. I am sure if there are any issues in that space that they will be addressed through that forum. We all want to make improvements in this situation, Chairman, and I am sure we will eventually.”

44/21 SCHEDULE OF APPOINTMENTS AND MEMBERSHIP OF COMMITTEES AND OUTSIDE BODIES Council gave consideration to a report presented by the Director of Legal and Democratic Services and Monitoring Officer that requested the Council to note the Cabinet appointments and portfolio responsibilities and sought approval for the appointments to Council Committees and Outside bodies and the schedule of meetings.

Subject to the election of the Leader under the earlier agenda item, Cabinet appointments and portfolio responsibilities had been

determined by the Leader of the Council. Further details including Cabinet Support Member appointments were appended to the report at Appendix 2.

It was proposed that Council approved the establishment of an additional Improvement and Scrutiny Committee entitled the Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction. The Terms of Reference of the Committee would be:

‘To review and scrutinise any matter relating to Climate Change, Biodiversity and Carbon Reduction.’

Consequently, it was also proposed that the responsibility for climate change and carbon management would be removed from the Terms of Reference of the Improvement and Scrutiny Committee – Places.

The allocation of seats on Committees to political groups had been determined in accordance with the principles of political balance as set out in the Local Government (Committees and Political Groups) Regulations 1990.

The schedule of appointments to Council Committees for 2021-22 was attached to the report at Appendix 3 for Council approval subject to the clarification that the Improvement and Scrutiny Committee for Climate Change, Biodiversity and Carbon Reduction is a ten member Committee with the addition of Councillor G Kinsella to that particular Committee.

Councillor Swann indicated that in relation to the Improvement and Scrutiny Committee for Health, the Vice Chairman should be Councillor M Foster and not Councillor J Woolley as detailed in the report.

The schedule of meetings for the forthcoming year was attached to the report at Appendix 4 for Council approval, subject to the amendment of the meeting of Cabinet scheduled to take place on 10th June 2021 to 17th June 2021.

The Council made appointments to a variety of outside bodies across the County. Council was asked to approve the appointments to outside bodies as detailed in Appendix 5 of the report and to note that any in-year changes to the list would be agreed by the Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change in accordance with the provisions of Appendix 1 to the Council’s Constitution – Responsibility for Functions.

The changes to the Cabinet portfolio responsibilities and addition of a new Improvement and Scrutiny Committee required the amendment of the Council's Constitution. Council was therefore asked to authorise the Director of Legal and Democratic Services to make the necessary amendments.

Councillor J Dixon moved the following amendment to section 8 (a) of the report, which was duly seconded,

“That the Schedule of Cabinet Appointments and membership of Committees be accepted with the proviso that the overall cost in terms of Special Responsibility Allowances is not increased.”

The amendment was duly seconded, voted on and declared LOST.

In accordance with procedure, a recorded vote was taken on the amendment and recorded as follows:

For the amendment (12) Councillors D Allen, D Collins, C Dale, J E Dixon, R George, K Gillott, D Greenhalgh, A Hayes, J M Innes, R Mihaly, L Ramsey and M Yates.

Against the amendment (43) Councillors T Ainsworth, R Ashton, K S Athwal, N Atkin, J D Barron, S Bull, C Cupit, A Dale, D Du Cellie Muller, R Flatley, M Ford, M Foster, A Gibson, A Griffiths, N Gourlay, C A Hart, G Hickton, S Hobson, N Hoy, R Illiffe, T A Kemp, T King, B Lewis, W Major, P Moss, D Murphy, G Musson, J Nelson, R A Parkinson, J E Patten, R Redfern, C Renwick, P Rose, J R Siddle, P Smith, S A Spencer, A Stevenson, S Swann, A Sutton, D H Taylor, J Wharmby, D Wilson and J Woolley.

Abstention (5) Councillors B Bingham, S Burfoot, E Fordham, G Kinsella and Niblock.

Absent (4) Councillors A M Clarke, A Foster, L Grooby and B Woods.

On the original motion of Councillor B Lewis, duly seconded

RESOLVED to (1) note the Leader's appointments to Cabinet and the portfolio responsibilities;

(2) approve the establishment of an additional Improvement and Scrutiny Committee – Climate Change, Biodiversity and Carbon Reduction, its Terms of Reference and the amendment to the Terms of

Reference of Improvement and Scrutiny Committee – Places as set out in the report;

(3) approve the appointments to Committees and Sub-Committees as set out in Appendix 3 of the report subject to the Improvement and Scrutiny Committee for Climate Change, Biodiversity and Carbon Reduction comprising ten members with the addition of Councillor G Kinsella to that particular Committee and the replacement of Councillor J Woolley with Councillor M Foster as Vice Chairman for the Improvement and Scrutiny Committee for Health;

(4) approve the schedule of meetings as set out in Appendix 4 of the report, subject to the amendment of the meeting of Cabinet scheduled to take place on 10th June 2021 to 17th June 2021;

(5) approve the appointments to serve on outside bodies as set out in Appendix 5 of the report and to note that any in-year changes to the list will be agreed by the Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change; and

(6) authorise the Director of Legal and Democratic Services to make the necessary changes to the Council's Constitution.

45/21 PUBLIC QUESTIONS

Question from Keith Thomas, Quarndon Community Group (not in attendance) to Councillor K Athwal – Cabinet Member for Highways Assets and Transport.

Extensive data from across England shows that 20 mph road traffic speed limits in residential streets and villages deliver many benefits, including:

- reduced road accidents and casualties;
- reduced pollution;
- stimulation of active travel;
- reduced social and racial inequality;
- the right to safe mobility for the vulnerable;
- improved well-being

DCC previously rejected use of “signed only” 20 mph limits following the Padfield trial. However, this **single** trial has no statistical significance, unlike the data from across England where “signed only” 20 mph speed limits have been successful.

DCC's approach of considering 20 mph speed limits piecemeal

under the Highways Safety Schemes' budget is highly inefficient. The cost of changing 30 mph signs to 20 mph for a local area may be only £5k, but design, regulation and consultation costs for each individual scheme may exceed £50k.

By thinking holistically and generically, some County Councils - such as Lancashire - have eliminated the waste involved in a piecemeal approach and have successfully, affordably, and rapidly introduced 20 mph speed limits.

Will the new DCC Cabinet think differently about introduction of 20 mph speed limits and establish an efficient generic mechanism to allow 20 mph "signed only" limits to be rapidly introduced where strong support is demonstrated by local communities?

Councillor Athwal responded as follows:

"Derbyshire County Council is always open to the use of 20 mph speed limits where appropriate. There are already 23 20 mph zones, including physical traffic calming measures within the county and three "signed only" 20 mph speed limits.

This Authority's policies on the implementation of 20 mph speed limits are based on the Department for Transport's latest national research published in November 2018. This research generally tallies with the outcomes of our Padfield trial. As the case studies contained in the national research are all urban areas the Padfield trial provided further evidence in a village setting.

Considering a 20-mph speed limit as a specific measure alone is not always the appropriate intervention given that every casualty of the reduction scheme is different based on collision types, environment etc. It is part of the toolbox, along with other measures, for use when and where appropriate.

"Derbyshire County Council always tries to work in collaboration with other local authorities and is an advocate of information sharing. Having liaised with Lancashire County Council about their roll-out of 20 mph speed limits this was achieved over a five-year period 2011-16 and covered 242 separate residential areas at a cost of just under £5.8m.

Collision figures measured in 2017 following the implementation showed a small decrease in 'slight' injury collisions but a small increase in 'killed' or 'seriously injured'. Derbyshire County Council is developing a proposal for two further 20 mph trial sites and these will be evaluated alongside national data. This will help to shape the Authority's policies going forward.

To clarify: 20 mph zones use traffic calming measures such as road humps or build-outs to reduce vehicle speeds making the area largely self-enforcing, whereas 20 mph limits on roads where the speed limit has been reduced to 20 mph there are no physical measures to reduce vehicle speeds within these areas. Drivers are alerted to a speed limit with boundary signs and repeater signs”

There was no supplementary question.

46/21 **PETITIONS** There were none received.

47/21 **ELECTED MEMBER QUESTIONS**

(a) Question from Councillor E Fordham to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

“Of the trees that are due to be planted as part of our commitment to tackle climate change, how many will be fruit trees and how many community orchards will be created in Derbyshire with such planting?”

Councillor Lewis responded as follows:

“We, as you know, anticipate that by 2030 we hope to have a million trees planted across our communities and so on across Derbyshire. I would be extremely pleased to see as many community orchards come forward as possible. Our role is much more about facilitating and working with communities to bring forward their plans so if there are plans for community orchards we would be very happy to support them if there are plans for planting of apples trees etc or fruit trees generally, also very happy to support them as it is a topic that is particularly close to my heart. I have my own orchard of 50-odd trees so yes, we would be very keen to support that as part of a plan to sequester carbon, but also simply because it can do so much more for people’s mental health and so forth.

We are also planning as part of this that tree planting will take other forms such as memorial parks etc. We have plans to look at planting a number of trees to recognise the deaths of the people who have passed as a consequence of Covid-19 over the recent pandemic or working up plans for such plantings. We will be pleased again to see fruit orchards as part of that“.

Councillor Fordham asked the following supplementary question:

“The reason I am so keen on fruit trees is because I think they are

part of the cultural change of reuse and maintenance rather than simply of demolish and improve. In that sense I wonder whether we might in the context of creating community orchards also explore using perhaps village green legislation to enable community orchards to be protected going forward so that residents not only have them but own them, enhance them and care for them on an ongoing basis?"

Councillor Lewis responded to the supplementary question as follows:

"Ideas that we can explore in the fullness of time over the course of the next four years and as part of the new Committee as well, the Climate Change, Biodiversity and Carbon Reduction Committee, that could be an idea to be explored in more detail there, for example.

(b) Question from Councillor E Fordham to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture, Tourism and Climate Change

"What measures will the Council take to review links with its sister city in Yangon District, Shanghai, given the ongoing repression of the Uyghur people which includes forced re-education, forced labour, forced sterilisation and imprisonment?"

Councillor Lewis responded as follows:

"This is obviously a complex area we have entered into here around international trade. International trade is important for the country. We do have links with certain parts of China. It is, however, not the Yangon District as described in the question which is actually in Myanmar. I think he may have been referring to an old relationship which I think was the Yangpu region, a District of Shanghai. Some educational links were being explored there a number of years ago with schools in Derbyshire. Things have moved on and our relationships are with the region of Anhui Province and Hebei Province. I can tell Councillor Fordham that over the course of the last twelve months things have cooled a little bit not because of the Uyghur and the Hong Kong question, which is as yet to be addressed in any kind of dialogue with our local regions, but because of the Covid-19 situation more particularly.

Councillor Fordham does raise a particular issue around this and it is one that does beg some worry for I think all members of this particular Chamber around the Uyghur people, the treatment of Uyghur Muslims which is quite clearly not something we would ever want to be seen to be supporting in any way shape or form, the same as it with the situation in Hong Kong as well. It is a deeply complex area and it is one

that we have to consider carefully.

I can tell Councillor Fordham that my colleague Councillor King will be leading a Committee, an International Relationships Review Board which will explore all our links with countries such as Japan, the United States and Europe more generally obviously as a consequence of Brexit to see what we can do both positively and negatively to work in a constructive way with those areas.

I will say there is something about the point around soft diplomacy to support what we do to get that point across to Anhui Province and other regions in China which makes clear our thoughts on the Uyghur Muslim situation and that of Hong Kong whilst still maintaining some form of link there because I think it is important that there is a dialogue and that they understand that we are not in support of that particular situation.”

There was no supplementary question.

(c) Question from Councillor R George to Councillor K Athwal, Cabinet Member for Highways Assets and Transport

“I was pleased to see that the Conservatives’ manifesto stated that they “commit to working with residents and partners to improve road safety throughout Derbyshire.”

Unfortunately that has not been my experience and that of communities in Whaley Bridge over the last four years. Even road safety improvements recommended by formal risk assessments to protect our School Crossing Patrol staff at both Whaley Bridge and Furness Vale have been refused in recent months.

Our School Crossing Patrol staff have to practically take their lives into their own hands to protect our children and families on dangerous roads, and even they are being refused recommended road safety measures.

This experience is mirrored by communities across Derbyshire who request road safety improvements and find assessments are not being done, even in areas of multiple accidents, or their concerns are dismissed.

How will this administration improve on the very poor experience of communities in Whaley Bridge who have requested road safety reviews where improvements have been refused?”

Councillor Athwal responded as follows:

“I have to say I am a little bit surprised at your question because it was your administration that was cutting back school crossing patrols. If my memory serves me correctly Labour cut 40 crossing patrols back in 2015, along with proposing further cutbacks in the region of £300,000 which this administration scrapped in the last term.

This administration and this Authority take road safety very seriously. Each year we have been successful in attracting funds to target those roads which have a history of reported injury accidents. Our annual casualty report highlights accident records in Derbyshire and every year schemes are promoted to address these accident sites. This financial year we have £2m approved for local safety schemes to address those roads with a known history of reported injury collisions. We have also appointed a project manager to ensure that these schemes are implemented by March next year.

School crossing patrols carry out risk assessments at their sites on a regular basis and put forward suggestions on what they feel might help. This can include double yellow lines, dropped kerbs, new slow markings and even additional road signs. Professional officers in the Traffic and Safety Team will always work with school crossing patrols and will promote safety measures as and when appropriate.

However, there may be occasions where officers *may* reject requests from the school crossing patrol based on a full consideration of road and traffic conditions and constraints and their professional expertise.”

Councillor George asked the following supplementary question:

“Will you be working with us and our communities over the next four years, as I hope you will, to address these serious safety concerns proactively?”

Councillor Athwal responded to the supplementary question as follows:

“The answer to your question is very short. The answer is yes. I will look forward to working with all of our communities, all our members as I have already said in looking at safety measures. I have a very competent team of officers who will assist me in this and I assure you it is something we will be looking at.

48/21 HONORARY ALDERMAN AND ALDERWOMAN

The Director of Legal and Democratic Services and Monitoring

Officer presented a report which sought Council's consideration in principle of those former Members to whom the Council wishes to confer the roles of Honorary Alderman and Alderwoman at a specially convened meeting. Following the recent election, the political groups had been invited to put forward nominations for those former Members that they would wish to be considered as Honorary Alderman and Alderwoman. The Council was permitted to confer these titles on persons who had in the opinion of the Council rendered eminent service as past members.

The following nominations had been received to add to the roll held by the Director of Legal and Democratic Services and Monitoring Officer.

- The Conservative Group Leader had nominated to confer the titles on former councillors Kevin Buttery, Linda Chilton, Pat Murray, Judith Twigg and George Wharmby;
- The Labour Group had nominated former councillors Irene Ratcliffe, Paul Smith, Anne Western and David Wilcox; and
- The Liberal Democrat Group had nominated former councillor Beth Atkins.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to:

(1) support the proposal in principle;

(a) to confer the title of Honorary Alderwoman upon former Councillors E Atkins, L Chilton, I Ratcliffe, J A Twigg and A Western; and

(b) to confer the title of Honorary Alderman upon former Councillors K Buttery, P Murray, P Smith, D Wilcox and G Wharmby.

(2) agree to convene a special meeting of the Council on 14 July 2021 to formally consider the nominations.

49/21 APPROVAL OF A WRITTEN RECORD OF DELEGATIONS TO BE INCLUDED IN THE COUNCIL'S SCHEME OF DELEGATION

The Director of Legal and Democratic Services and Monitoring Officer presented a report that sought consideration and approval of the written record of delegations to be included in the Scheme of Delegation within the Council's Constitution as required by the Cabinet Procedure Rules.

On the motion of Councillor Lewis, duly seconded,

RESOLVED to (1) approve the delegation by the Leader as detailed in Appendix 2 to the report for insertion in Appendix 1 to the Constitution; and

(2) authorise the Director of Legal and Democratic Services to make the necessary changes to the Council's Constitution.

50/21 **MOTION** Council considered a Notice of Motion, as set out below:

Motion submitted by Councillor E Fordham

This Council notes:

1. The widespread ambition to end all single use plastic in Derbyshire, the UK and globally;
2. The climate change commitments this Authority has made;
3. That Buxton Spring can be locally sourced in recycled and recyclable bottles;

This Council resolves:

1. To source locally, preferably within Derbyshire, when purchasing food, drink and all hospitality;
2. To stipulate that such procurement will cease any purchase of non-recycled plastic and to follow this up with 100% recycling of such bottles;
3. To seek to end the procurement of any plastic in this context and to cease the culture of single use plastic water bottles;

Councillor Lewis proposed the following amendment to the original motion, which was duly seconded:

- 1 To continue to source locally, preferably within Derbyshire, on the relatively rare occasions when food and drink is purchased for hospitality...”;

That is something we continue to always try to do.

- 2 To continue to avoid the purchase of non-recycled and single use plastics; and

- 3 To carry on offering extensive recycling facilities throughout the Authority's buildings.

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

The meeting closed at 4pm.