

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 2 December 2015 at County Hall, Matlock

PRESENT

Councillor S Freeborn (In the Chair)

Councillors D Allen, Mrs E Atkins, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S J Bradford, S Brittain, K Buttery, Mrs D W E Charles, D Collins, Mrs C M Cox, J A Coyle, R Davison, J E Dixon, P Dunn, S J Ellis, M Ford, J A Frudd, Mrs P A Gilby, K Gillott, D T Greenhalgh, Mrs C A Hart, Mrs Janet A Hill, Ms Julie A Hill, R L Hosker, P Jones, T A Kemp, Mrs K D Lauro, B Lewis, D W Lomax, W Major, D McGregor, R R Mihaly, C R Moesby, K P Morgan, C E Neill, R A Parkinson, Mrs J E Patten, Mrs I Ratcliffe, B Ridgway, P J Smith, T Southerd, S A Spencer, Mrs J S Street, D H Taylor, Mrs J A Twigg, D Walton, A Western, D J Wilcox, Ms J Wild, D A Williams, J G Williams and B Wright.

72/15 APOLOGIES FOR ABSENCE Apologies for absence were submitted on behalf of Councillors S Bull, Mrs L M Chilton, Mrs P Innes, S Marshall-Clarke, J R Owen, Mrs M Stockdale and E Wilcox.

73/15 DECLARATIONS OF INTEREST The following
Declarations of Interest were made:-

Declaration of a personal interest by the following Councillors in respect of item 7 relating to the petition on the Community Transport service as they were representatives on or Trustees of Community Transport schemes within the County – Councillors S A Bambrick, S J Ellis J A Frudd, Mrs K D Lauro, B Lewis, Mrs I Ratcliffe and Mrs J A Twigg.

74/15 CHAIR'S ANNOUNCEMENTS The following
announcements were made:-

- (1) Councillor Joanne Wild was welcomed to her first meeting of Full Council following her election as representative for the Derwent Valley Division;
- (2) The Chair welcomed Joy Hollister, Strategic Director for Adult Care, to her first meeting of Full Council;
- (3) Joe Greatorex, based at the County Transport body repair workshop, had recently been awarded runner up in the recent APSE

National Apprentice of the Year Award. A presentation was made to Joe.

(4) Elaine Michel, the Director of Public Health, would be leaving the Council later in December to take up a part-time role with Health Education East Midlands. The Chair thanked Elaine for the contribution she had made to Public Health and the Council as a whole, and wished her all the very best in the future.

(5) The Chair reported the recent death of John Evans, former Director of Education. The Council's condolences would be sent to his family.

75/15 MINUTES OF THE PREVIOUS MEETING On the motion of Councillor S Freeborn, duly seconded,

RESOLVED that the minutes of the meeting of Council held on 23 September 2015 be confirmed as a correct record.

76/15 REPORT OF THE LEADER OF THE COUNCIL

Councillor A Western, Leader of the Council, reported on the current position on the devolution bid for the East Midlands, the Comprehensive Spending Review announcement, and the Council's efforts to reduce carbon emissions.

A number of questions on the Leader's report were asked as follows:-

By Councillor S A Spencer, as follows:-

On the devolution programme, there appears to be some confusion. It is my understanding that some of the District Council Leaders involved in that debate are not happy to sign the devolution deal as you said they were earlier on today. I will go as far as to say I understand that John Collins of Nottingham City Council has threatened that, if it is not sorted out by the end of January, Nottingham City Council will also withdraw from the process. Any comments?

The Leader responded as follows:-

There isn't any "confusion" about devolution. Where we are at is that we have a draft deal that we are trying to get agreement on with government. That will put us in the position that places like Manchester, Sheffield, Newcastle, Birmingham are with a conditional deal, a conditional deal that has been signed by those Leaders. It is conditional on legislation that is currently going through Parliament coming into

play; it is conditional upon the agreement ultimately of all the Councils involved, in our case that is 19 Councils. It is conditional on the Spending Review and the financial implications and so on, so other places that are slightly ahead of us in this process are in that stage where they have a conditional deal. The Districts so far have indicated that they are willing to carry on with this process. Some of the District Councils have taken it through their Council meetings to get assurance from the Council that they can continue with the negotiations and that is where we are. So far, all the 19 Councils are still at the table. There was a meeting yesterday and all 19 are still there.

There are some Districts that are there more happily than others, I have to say. Those Districts are perfectly entitled, if they wish to, to step away from this. That won't prevent the deal going on because there is a momentum to it and a strength in the number of Councils who are happy to be there and can see the benefit of this deal.

I wasn't going to mention this, but since you have raised the subject, I will say there is a further problem, which is a party political problem insofar as there are some Government MPs who are not supporting this process. I find that quite disappointing when other areas, the North West, the North East, the West Midlands are supported by their MPs and, yet again, here in the East Midlands, our MPs don't seem to want to do that. That is a further issue, but I am sure we will overcome that.

By Councillor B Lewis, as follows:-

Councillor Western, you were at the same conference I was where Greg Clark spoke about devolution deals and combined authorities. For the first time in this entire process since Government Ministers have been talking about devolution deals, he mentioned the term - and I will say this quite specifically - he mentioned the term "reorganisation" when it came to local government and I have been talking to you about what this ultimately means for local authorities is that this is going to lead us down some road to local government reorganisation. Did he not also say that he could not support the ongoing sort of combined authority deals which would just wrap around, as in a combined authority wrapped around the current arrangements. We are very much part of that, so we are two counties, two cities and wrapped around it is a combined authority. Also wrapped around it is the possibility of having imposed on us an elected Mayor. If that is the case, surely we are just wasting our time on this process? I would be interested in Councillor Western's views but I think that it is a very important question.

The Leader responded as follows:-

I did not hear Greg Clark say that about “wraparound” deals. I know there were separate meetings for Conservative members and maybe it was said there. I certainly did not pick up anything from the Secretary of State that would suggest that our deal and any of the other deals that are already further ahead of us are anything other than substantial. Greg Clark has been very supportive of this right through the whole process. We have had a number of meetings with him and his officials and with Ministers at the Treasury who are all extremely supportive of this and see that what we want to do is demonstrating very strong levels of ambition for our area in terms of growing the economy and supporting our people to have a better quality of life, so I don’t share your understanding of what happened at that meeting.

By Councillor S Ellis, as follows:-

Councillor Western, you give the impression that there is a “bandwagon effect” where nothing is going to stop this combined authority happening but, in the same breath, you say “It is conditional upon *this*, conditional on *that* and conditional on the other.” That seems far from certain to me. You also say that the District Council leaders are still sitting at the table. Yes, of course they are, because they want to know what the deal on offer is, which is something that is definitely not clear at the moment, but being at the table now and being at the table when it comes to signing any document is an entirely different thing and my feeling is that a number of the Districts will actually be against this proposal.

I think, as a Group, we are certainly not in favour of the offer which appears to be on the table and I say “appears” because there really is no clarity about it whatsoever so, far from being a done deal, I think it is very questionable whether this will actually go ahead.

The Leader responded as follows:-

About the “bandwagon effect”, just to say it is difficult at the moment because we are not able to share the full detail of what has been negotiated because we are in negotiations and you do not do negotiations in public. Those are not my rules, they are the rules of your government. They have made it very clear that the deal documents are confidential, they are not to be shared and they are not to be discussed in the public arena at this stage because they are changing as they are negotiated. Again, those are not my rules, they are the Government’s rules. At the point at which we get the signing, which I am hoping will be imminent, *then* it becomes a public document. It will be available on the Government website, as are the other

documents, and it will then be subject to public consultation. That is when, I think, we will be able to share with people and, most importantly, with the public what is in the deal, what it is we are trying to achieve for Derbyshire and whether that is worth it, whether that is something we want and whether having an elected Mayor as part of the deal is worth it because I know that does give people, myself included, some pause for consideration, but certainly the deals that have been negotiated with some of the big city areas that is the sort of deal we are negotiating. There is substantial money involved, new money, that will come down to Derbyshire and substantial powers to support us to provide public transport services; to support road improvements; rail improvements; improvements to skills; additional housing in places where it is needed and so on and, for once, to have the ability to solve some of our area's problems without being dependent on somebody in Whitehall or somebody in Westminster making those decisions for us. It will be conditional, it will, like all the other deals currently are and it is ongoing. As of yesterday afternoon, when all the Council Leaders round the table were asked whether they wanted to continue with the process, the answer was 'yes'.

By Councillor S Bradford as follows:-

I would just like to pick up on a comment that the Leader made about if any District walks away from the proposals it would still continue because as I recall at the inception it was made clear everyone needed to sign otherwise it would not go forward at all. Can you tell me what has changed?

The Leader responded as follows:-

This is a changing picture, as I said. This is a Government process and they set the rules. At the outset, that is what we were told. This is still subject to change because it is all tied up with the Cities and Local Government Bill that is going through the House of Commons at the moment and that is subject to amendments even up to the last minute. I understand it will be going through the House next Monday, the 7th, so there could still be some change, even after today, but as it stands at the moment, there is provision - and it is not quantified in terms of numbers - but there is provision for one or more councils to drop out and for it still to go ahead. That is not at all clear and we are seeking clarification on it but, again, as of yesterday evening that was the position as I was told it. It could well change again but that is the latest.

77/15 PUBLIC QUESTIONS

(i) Question from Jim Medway to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

Could the Cabinet Member reappraise the decision to no longer fund a SCPO for Furness Vale Primary, on the site of the A6 / Station Rd junction? The community is astonished that DCC consider this site safe enough to leave unsupervised. Many factors combine to create a dangerous site for pedestrians. Firstly, the close proximity of the level crossing; its gates lowered at school run times causing chaos, congestion and dangerous driving. Secondly, Yeardsley Lane, opposite, forms an offset crossroads, requiring pedestrians to look four directions while attempting to cross in front of drivers unsure whether to signal or not as they dart across. Thirdly, the significant weight of commercial traffic using this narrow junction serving three different industrial estates, with, regularly, non-UK drivers unfamiliar with our roads.

The Headteacher and Governors are concerned that the site assessment failed to identify four Adjustment Factors; namely gradient of road, width of footpath, presence of other road markings and obstructions to visibility. These glaring omissions lead us to question the competence of those involved, suggesting a wilful disregard of our children's safety.

We understand the brutal nature of cuts being forced upon the Council, but ask that the 80 children attending our school are spared the cruelty of this wrong decision and the insult of its poor handling.

Councillor Collins responded as follows:-

In the face of these unprecedented cuts to the Council's budget we have had to take some very difficult decisions, one of these being a review of the School Crossing Patrol Service which was agreed by Cabinet at its meeting on 7 July 2015. As part of the review it was agreed that a number of sites that did not meet specific criteria, as dictated by national guidance, would not be recruited to should the incumbent School Crossing Patrol Officer leave. This particular site is one of these sites affected.

It is my understanding the officer resigned from their post on the 6 November and the school was informed of this on the 23 October. As is normal practice, a full re-assessment of the site was conducted on the 2 and 3 November. These assessments take into consideration a number of local adjustment factors which are applied to the pedestrian vehicle squared calculation. The factors we considered to be relevant to this situation were carriageway width; road junctions; age of children. We considered other factors but concluded that the following did not have any bearing on the assessment: gradient of the road as the assessment was carried out on the school crossing patrol site location which is prior to the gradient; width of footpath as where the school crossing patrol site is situated the footpath is wider and it isn't until you

turn down Station Road and away from the site that the footpath narrows; obstruction to visibility as where the school crossing patrol site is situated the terraced houses do not present an obstruction.

However, we do accept that we omitted to take in the presence of other road markings. Taking into consideration this omission we have recalculated the assessment and also included an additional factor for the road junction as the Station Road junction is off the busy A6 Buxton Road. We have addressed this by upgrading this factor from plus 1 to plus 2.

The new calculation is 1,936,948 which still falls well short of the required 4m as dictated by national guidance as referred to previously. This site assessment was conducted by an extremely experienced School Crossing Patrol supervisor with over 30 years' experience both here and at Stockport Council. Whilst we accept that the road markings were not included, this was not a wilful omission as we do take the safety of Derbyshire's children very seriously indeed and have offered the school the opportunity to explore alternative funding options and road safety awareness and education provision.

A supplementary question was asked as follows:-

As for alternative funding, why would you encourage a school to pay for staffing a site you consider safe? That is my first point. My second point is that the criteria you used cannot take into account the chaos and the reality of having to cross on this junction.

On the first day of the new school year, September 2015, during the morning school run an HGV wagon driver decided to ignore the warning lights and dart across the level crossing. This is directly below our site, within 50 metres. This destroyed both gates in the process. On the afternoon of Friday, 20 November, less than two weeks ago, a two car collision left our crossing blocked by a wrecked vehicle across the footpath and one lane of the Station Road traffic. Children attempted to cross in the rain and fading light in this situation.

We are taking up the Council's kind offer of a visit from the Road Safety Team to help raise the children's awareness of traffic dangers, but would Council acknowledge that, in the light of the two examples just mentioned and the constant dangerous driving we witness here daily, there is nothing in your mitigation strategy that addresses the situation from a driver's perspective? There are no road markings designating a crossing; there is no visual warning to traffic that our SCPO has been removed and the school safety zone has no 20 mph limit, no flashing lights on either Station Road or the southbound side of the A6.

During the conversation on site with your site assessor Brian Wilkinson, with his 30 years' experience, this was on the morning of Thursday, 26 November, he amended his site definition from a simple T junction to an offset crossroads. Will Council also acknowledge the obvious dangers faced by children crossing this road and in the absence of any possibility that we will ever get the four way pelican crossing that Andrew Bingham suggested to you that we actually require, can Council please make their £4,000 saving elsewhere in a manner that avoids endangering children's lives?

Councillor Collins responded as follows:-

We went out when we did the review of all sites that we identified where we were removing the school crossing patrol from those sites, offered funding opportunities to anybody - schools, businesses, anybody who was prepared to fund them. The national guidance is set at 4m. We can't alter that. On that scoring - yours is just less than 2m - on that scoring it is deemed a safe site. We have taken into account numerous factors. If the school deems it that unsafe, the opportunity is there for the school to fund it.

We are in a situation where, after the Comprehensive Spending Review, as the Leader has said earlier, things are worse than they are presently. Yes, it is £4,000 for this one site but, if we open it up to this one site, other sites will follow along and say "You have funded *this* one, can we fund *this* one?" and then you are back in the same situation where the money is not there to fund any. As for cars and the lorry crashing, again we can't legislate for the 1% that happens unfortunately. All roads throughout the country, not just the county, are dangerous at some point with vehicles on there. Yes, we have a responsibility for child safety. We are offering our Safety Teams to go into the schools and hopefully the school takes this up and runs with it but, unfortunately, we cannot legislate for 1% of road users who drive erratically. If we did, there would be crossings everywhere throughout the county. We have not got the finances to do it and we just can't do it.

(ii) Question from John Plant to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

As Bakewell & Eyam Community Transport is a full partner in the Total Transport project, how does Councillor Collins expect them to take part several months after their funding is withdrawn?

Councillor Collins responded as follows:-

The Total Transport project is seeking to undertake pilot projects that

co-ordinate passenger transport from two or more sectors. This potentially embraces a wide range of different types of transport including public transport, schools transport, specialist adult care and education transport, NHS patient transport as well as community and voluntary sector transport. I am not clear about the reference in the question to being a “full partner”. The project has a Steering Group comprising representatives from the different sectors. Bakewell and Eyam Community Transport has been asked to represent the Community Transport sector. The services provided by Community Transport Schemes are not limited to grant funded Dial-a-Bus services. They also provide specialist transport services under contract to the County Council and other organisations and may provide services independently in pursuit of their charitable objectives. A reduction in grant funding for Dial-a-Bus services does not therefore preclude their involvement in the transport project.

A supplementary question was asked as follows:-

One point that you mentioned there, health, you have not mentioned the actual cutting of the Active Travel budget which is part of our funding from yourselves and if that is withdrawn as well as the Dial-a-Bus element of it where does it actually put Bakewell and Eyam in that process?

Councillor Collins responded as follows:-

Yes, you are quite right, Active Travel is part of the current proposals. I am aware the CCGs withdrew their funding so we took a decision to withdraw ours as well. As I have said the community transports are a charitable arm, they have commercial sectors and we feel the current consultation as it offers the opportunity for Community Transport to win some of the money that was there. We are offering to be part of this Total Transport pilot in the hope we can sort out all the transport that is running all round the county. I can't say whether or not Bakewell or Eyam will win any of the tendering process that we will put in place, it could be mini bus hire firms, it could be anybody who wins that. What we are saying is the current way of funding is not sustainable for this Council.

(iii) Question from Julian Miller to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

Could Councillor Collins please advise how he arrived at the figure of £1,000 per passenger?

Councillor Collins responded as follows:-

There are around 1,200 people in Derbyshire who use Dial-a-Bus services. In 2014/15 the grant paid for Dial-a-Bus services totalled £1,330,776. This works out at an average of £1,109 per person per year. As you can see, we arrived at a figure of £1,000 per passenger. That could be lower in some areas and higher in others. We have averaged it out over the users who use the active service.

A supplementary question was asked as follows:-

Community Transport organisations across Derbyshire have calculated the figure to be £11.50 per passenger journey. This is obviously a very different figure. Please would you agree to consult with CTs to discuss and agree the formula to be used to calculate the figure?

Councillor Collins responded as follows:-

The high cost of providing the service and the relatively small number of people regularly using Dial-a-Bus service means that the cost per passenger journey is very high. In 2014/15 this worked out at over £25 for a return journey. The average cost is likely to come down in 2015/16 as the level of grant was reduced but we do not yet have patronage figures. The organisation is also receiving from contract work and from transport provided for local groups. This is generally self-financing or produces a small surplus that can be ploughed back to support the organisation's charitable objectives. These are the figures that we have asked Community Transport to provide us with so we have worked on the figure of 47,927 return trips. If it is any different to that then we have not been given those figures. We are just using the figures that we have had back from Community Transport.

(iv) Question from Colin Swindell to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

Derbyshire County Council claims that it has no option but to withdraw funding for Community Transport due to reduced government grant funding. What alternative ways of providing this service has Councillor Collins explored before cutting the funding to Community Transport organisations in Derbyshire for shopping buses and health related journeys?

Councillor Collins responded as follows:-

There is severe financial pressure on all areas of passenger transport provision, particularly those such as Community Transport where there is no statutory requirement to provide a service. It should also be noted that £50,000 funded from the Clinical Commissioning Groups for the Active Travel Scheme has not been available this year, an indication no

doubt that they too are under severe financial pressure. This effectively precludes options that might otherwise be available such as the development of demand responsive transport in rural areas or integration with Adult Care or Healthcare transport.

We have met Community Transport over the last few years and in the previous administration's time and suggested that we would not, over the long term, be able to sustain the amount of funding that they currently get. We have looked at whether or not they would consider a merger and have one or two Chief Executives for the whole lot or whether or not they could get into discussions with bus companies to run shuttle services. We have explored things. We are running the Total Transport pilot which again may highlight other things we can do with them.

A supplementary question was asked as follows:-

I do not agree that withdrawing funding for Community Transport is the best way forward for this Council. Should funding be withdrawn from Community Transport, the elderly, disabled and sick will not be able to independently reach hospitals and vital healthcare appointments through Active Travel. Research carried out by Bakewell and Eyam and Glossop Community Transport has shown that this will result in additional costs to this Council through Social Care services. In fact, it is estimated to be three times the amount that Councillor Collins claims it costs to run Community Transport services. Does he not agree therefore that, by maintaining the current level of funding for Community Transport and looking at further alternative ways of running the service, this Council would actually make savings in the longer term?

Councillor Collins responded as follows:-

As I have been saying all the way along we cannot sustain and manage to fund these CTs at the level we have been doing. The current proposals that these questions are on is not to remove all the funding, it was to offer a once-a-week service to the nearest town supermarket or village shopping area. Again, CCGs have removed their £50,000 so they are finding it hard to find funding for Community Transport. Likewise, we are. Yes, there could be a knock-on to other departments, there may not be, only time will tell. We are doing what we can with the finances we have due to the cuts from Central Government.

(v) Question from Arthur Watts to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

At the Council meeting of 5 August 2015 the Council agreed to a modest grant of £8,000 for the provision of a service to reduce isolation of people with learning disabilities who live in rural locations. The issue of rural isolation has also been reviewed and assessed in the report of the Strategic Director of Adult Care in the Cabinet meeting of August 2014.

How does the Council reconcile the proposed cuts to Community Transport funding, which, if implemented, will effectively erode all previous statements and gestures of support by the Council to combat rural isolation and rural deprivation?

Councillor Collins responded as follows:-

We are very aware of the problems of rural isolation and rural deprivation. Community Transport Dial-a-Bus services help people in all areas of Derbyshire get the services they need, but I recognise the particular importance in rural areas. I am also aware of the problems for people with learning disabilities living in rural areas, as highlighted in the question. That is one of the reasons why I regret so much that we are having to make these difficult decisions.

I had to look up which portfolio the £8,000 grant funding was from. It was from Adult Social Care. The £8,000 grant funding was for a worker to be managed and supported by Peaks and Dales Advocacy to achieve the following outcomes: reduction of social isolation; more independence and confidence; improved well-being and less stress for family carers. I can't see how that will not still continue because it was for an 18 month contract so I do feel that that will still be going on in the affected area.

There was no supplementary question.

(vi) Question from Patrick Dawson to Councillor A Western, Leader of the Council and Cabinet Member for Strategic Policy, Economic Development and Budget

Passengers who use Community Transport to attend health related appointments, or to go shopping for basic needs, face the prospect of these services ceasing due to funding being withdrawn. The likelihood is that the majority of these people will turn to Social Services for assistance. Given that the Chancellor of the Exchequer announced in his autumn statement that local authorities can increase Council Tax by 2% for social care, can some of these extra funds be used to retain these transport services for some of the most vulnerable people in Derbyshire?

Councillor Western responded as follows:-

First of all can I say you heard at the beginning of the meeting how many councillors in the room are members of Community Transport Boards of Management and so on. I myself served for a few years on the Clowne and District Community Transport so be in no doubt of the strength of feeling there is in the room in support of Community Transport and everything you do. Can I also say as well, because it was apparent in your introduction, that you are one of the schemes that has made significant steps in trying to be more efficient to combine organisations and to cut some of the bureaucracy. I thank you for that because that is a very welcome step.

In relation to your question, I would just like to point out that this 2% increase in Council Tax which was announced last week (and which we still don't have the details for), as I said earlier, that will generate for Derbyshire approximately £5m per year of additional funding and the cuts that we are facing for Social Care over the next four years are just short of £100m so £5m a year for four years is not going to answer the problem. I just need to say as well it is not extra money. It is not even a replacement for what we have lost. You can see from those figures, it is like somebody saying "I am going to give you a £10 pay cut but I will give you 50p so can you carry on doing everything you are doing"? It is just not possible. You will have heard that threaded through Councillor Collins' answers to previous questions.

In relation to the question and the implication in there that cutting Community Transport is a false economy because it will push demand on to other services, and that was in previous questions as well, the answer is yes, it will push pressures on to other services. It will push demands for service on to Social Care quite considerably I would imagine over the next few years. The problem is as Social Care budgets get squeezed and the eligibility criteria get raised in order to ration the money we have left, those people who are coming with a demand for service will be disappointed, as will we all. That is the issue and that is the argument we are taking back to Government all the time. What the Government are doing with these cuts is false economy because cuts to your service puts pressure on Social Care, pressure on Social Care translates into pressure on the NHS and we end up with a situation that we will inevitably face this winter of hospitals being overcrowded; no beds being available; lack of any facility for discharge of older people who should be able to come home from hospital and can't, so we are facing huge pressure right through the whole system and if you see Community Transport as part of that system then yes, it is inevitable that this will cause knock-on problems elsewhere.

A supplementary question was asked as follows:-

I think you have actually answered my supplementary question but I would like to put it and that is, if the funding cuts are implemented and people turn to Social Services for assistance, it will result in either Social Services turning these people away, which seems inconceivable, or if assistance is given the Social Service budget will be overspent. If the Council's choice is to have an overspent budget then why not fund Community Transport in the first instance?

Councillor Western responded as follows:-

You are right, we are sort of anticipating the same dreadful scenario aren't we with that? I think the issue to be clear about for the public is Councils can't overspend. The NHS can. NHS budgets can be overspent and they are dealt with in a different way to Council budgets. We cannot overspend. If we do, then we are breaking the law and this Council, other Councils, have been asked the question: "Why do you persist in making these cuts, why don't you just carry on spending and tell the Government you are not going to implement their cuts?" The answer is we would be breaking the law; the Government would bring in commissioners to run the Council but accountants look at numbers and they don't look at the human consequences of it. That is the awful position that we, on behalf of the people of Derbyshire, face. It just feels as if it needs some collective effort on all our parts to put the argument to government that all of this is false economy. All of this is taking us towards a society that we don't recognise and we don't wish to live in.

78/15 RECEIPT OF PETITION The Council had received a petition containing over 20,000 signatures headed "Opposition to proposed withdrawal of funding for Community Transport in Derbyshire".

Since the petition contained more than 7,500 signatures and a Full Council debate had been requested, the Council's Petition Scheme provided that the petition organiser be given five minutes to present the petition and it would then be discussed by Members. Where a petition related to issues upon which the Cabinet was required to make the final decision, the Council would decide whether to make recommendations to inform that decision.

The petition organiser, Edwina Edwards, attended the meeting to present and speak in support of the petition.

Members debated the matter.

Moved by Councillor S A Spencer, duly seconded,

That, in the light of the huge amount of public support for the petition, this Council supports the public in ensuring the funding of Community Transport continues.

Moved by Councillor A Western, duly seconded,

That Councillor Spencer's recommendation be amended to welcome the petition and by the addition of the words –

“by taking the petition to Government and asking Government to provide additional funding.”

The Chair allowed the debate to continue and advised the meeting that the two motions would be voted upon.

Having been put to the vote, Councillor Spencer's motion was declared to be lost.

Having been put to the vote, Councillor Western's motion was declared to be carried.

RESOLVED that, in the light of the huge amount of public support for the petition, this Council (1) recommends to Cabinet that it has regard to the petition when making decisions on Community Transport; and (2) supports the public in ensuring the funding of Community Transport continues by informing the Government of the receipt of the petition and asking Government to provide additional funding.

79/15 IMPROVEMENT AND SCRUTINY ANNUAL REPORT

On the motion of Councillor C R Moesby, duly seconded,

RESOLVED that the Improvement and Scrutiny Annual Report for 2014/15 be received.

80/15 APPOINTMENT OF STRATEGIC DIRECTOR

Following a selection process to the post of Strategic Director for Children's Services, the Panel had agreed to recommend to the Council the appointment of Jane Parfremment. The Council's Officer Employment Procedure Rules required that the appointment be subject to any objection from any Cabinet Member (none had been received) and confirmation by the Council.

In addition, it was a requirement of the Council's Pay Policy that all appointments in excess of £100,000 per annum are reported to and approved by the Council and this post was Grade 20 (£108,087 - £118,895).

It was anticipated that Jane Parfremment would commence her employment in February/March 2016 subject to the approval of the Council.

On the motion of Councillor Ms A Western, duly seconded,

RESOLVED to approve the appointment of Jane Parfremment to the post of Strategic Director for Children's Services.

81/15 PRESENTATIONS There were no presentations.

82/15 REPORT OF CABINET AND MEMBERS' QUESTIONS ON THE REPORT Councillor A Western, Leader of the Council, presented a report on the decisions that had been taken at meetings on Cabinet held on 22 September, 13 October, and 3 and 24 November 2015.

A question on the report was asked as follows:-

By Councillor B Lewis on item 39 – Relocation of Glossop Library (Cabinet – 24 November 2015)

Does the Cabinet Member not find it surprising that just a few years ago Labour campaigned to keep the library in Victoria Hall, and that some of its local members, were elected on a highly visible platform of keeping the library in Victoria Hall, despite the well-known, even then, cost issues and therefore, does he not agree that Labour have now failed the people of Glossop having misled them and not delivering on their election promise?

Councillor Allen responded as follows:-

No I don't. I don't accept that at all. If you look at the history of Glossop, it has a long history. True, the local members did campaign very hard for Victoria Hall, but if you look at Victoria Hall and if you have been in the building you will realise what a state the hall is in, particularly the roof. We have done some work on that and some work has jointly been done with the Borough Council.

We have had extensive meetings with the Borough Council to see if we could actually fund Victoria Hall, which as you know is their building. It is clear it is not feasible. HLF have been contacted and they are not prepared to put any money into that at all so we are left with a building which is not our building and we want to provide a library for the people of Glossop. If we went down the route of keep delaying it and

delaying it there would never be a library in Glossop, so in my view the local members have done a consultation locally and although people have some affection for Victoria Hall, which I accept, it was a place where some of them grew up and had dances etc, the reality of life is Victoria Hall is not our building. We want to provide a library.

Local members have talked to people in that area and have come up with a view to put the library in what is currently an Adult Education building, as you know. In my view it will make a fantastic learning building. You have the Education Centre and you will have a library at the side which will produce many benefits in terms of economies of scale and a large area for both the library and local studies and education. In my view it will be a tremendous asset for the people of Glossop. I think you are just trying to play cheap politics. We will be providing a library for the people of Glossop which in my view is the most important thing. I think it is going to be a great scheme and I will be pleased to see and turn the first sod in getting it going.

A supplementary question was asked as follows:-

I could not agree more about the library actually. Building a purpose built library off-site that is not in the Victoria Hall is the best way forward. That is exactly what we said back in 2012 so you will get no disagreement there. We knew then the state of the building was deplorable. All of this was known back in 2012. We knew about the cost implications. None of this is new. There was deliberate campaigning and we have photographs of them sitting outside polling stations with little boards saying "Don't vote the Wharmbys if you want to keep your library." That is what it is all about. My question, however, relates to the inexplicable, or seemingly inexplicable rise in costs related to the redevelopment of Victoria Hall and the insertion of a new library which seems to have gone from some figure of around £1.2-ish million/£1.5m whatever it was, up to somewhere close to £3m now, so I would be quite interested in that, and also what would be the cost of the new library?

Councillor Allen responded as follows:-

I was going to say about the lack of consultation previously and the unacceptability of the scheme that was planned by yourselves. Nobody wanted that. I think there was a wish to get Victoria buildings. That is not feasible. You talk about £3m to do that in a building that does not belong to us. I think that is the important feature, so from my point of view we are a private library. Let's think about it positively. Glossop will get a new library. Heanor has a new library. Belper will get a new library. You look at what is happening in the rest of the country, most of the places are shutting them.

In Lincolnshire, which is a good well known Tory authority their libraries are being run by Greenwich Leisure Ltd. If you look in Leicestershire 36 out of the 52 libraries have been handed over to volunteers or closed. North Yorkshire, 23 libraries have been handed over to volunteers. I am taking the opportunity to identify the difference between ourselves and your Council and your Councils in other areas are just decimating libraries. I am linking that to saying we are positively trying to provide a library for the people of Glossop and we will do that, that is a positive thing. I am identifying that most of the areas where you are representing in terms of Tories are slashing them and selling them out to private or other organisations that in my view are not the people who should be running libraries. Just to mention Suffolk, the entire library system has been handed over to the Industrial and Providence Society so I am proud of the fact that we are going to provide a library for the people of Glossop, I think making it in that form will be a fantastic asset and as I say I am proud we are doing that. Let's get on with it and get it done

On the motion of Councillor A Western, duly seconded,

RESOLVED that the report be noted.

83/15 COUNCILLOR QUESTIONS

(i) Question from Councillor E Atkins to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

Since the Kinder Mass Trespass of the hills between Hayfield and Sheffield, in 1932, which led to the creation of a series of National Parks, years of planning, organisation and back breaking work have gone into making the countryside moorlands, in my division, accessible, whilst simultaneously protecting them from the pressures of modern life. The high visitor footfall on the moors leads to heavy usage, particularly of certain popular routes which consequently require regular maintenance work. This skilled work is done by the Countryside Service.

If the moorlands and similar green areas are not managed and maintained we risk creating an environmental disaster. The vegetation on the moorlands is part of the 'green lung' we need to create the oxygen we breathe.

If the controlled access and maintenance of the moorlands is neglected then there will be fire hazards; who will create the fire breaks, in the right places, which reduce the spreading of fires towards homes as well as into sensitive environmental areas? Fires caused by a cigarette or

the sun on glass; Fires that will kill animals, birds, insects and plants – and risk lives.

Without the trained staff, it will be impossible to develop safe strategies to discourage unauthorised access by vehicles, for example 4x4s and cross-country motorbikes which are an on-going problem in many areas, including my division. Their actions threaten flora and fauna as well as ruining paths, walls and ditches.

Paths need planning to avoid sensitive burrows, nesting areas and rare plants and who will create and manage ditches to supervise the flow of water which causes erosion. Who will work within our communities to educate local residents, school children and visitors, about caring for our environment; we need the Countryside Service with their encyclopaedic knowledge of our environment and the skills to protect it.

Who, in severe weather, will support the other services, ambulance and police, to rescue walkers and motorists or to reach people in isolated homes needing help?

How are you proposing to maintain safety in the High Peak hills of my division if you reduce spending on the Countryside Service? How can you protect the environment and its flora and fauna from damage?

Councillor Collins responded as follows:-

Derbyshire County Council's Countryside Service has, for the last 50 years, operated within the county of Derbyshire but not within the Peak District Park. Countryside management work has been carried out since 1954 within the National Park by the Peak District National Park Ranger Service. The County Council is responsible, however, for the rights of way across the moors and works in partnership with the National Park to deliver that service. Practical work and public rights of way work within the Park is carried out by the National Park Estates Team and also a great deal of work by the National Trust on land in its ownership.

Despite pressures on the Countryside Service and Rights of Way budget, I am confident that the close partnership working with the National Park Authority will continue to ensure that paths remain open and accessible. With regard to the creation of fire breaks, this work is currently carried out by private landowners, the Moorland Association, National Trust, National Park Authority working with the relevant Fire and Rescue Services and it is not a matter for the County Council. Work relating to motorised vehicles in the National Park is undertaken by the Peak District National Park Authority with support from the County Council where appropriate. The Council's Rights of Way Service will continue to work in partnership with the National Park and relevant

users on such issues. With regard to severe weather the County Council's Emergency Planning Team work with emergency services, St John's Ambulance, Peak 4x4 response and the local Mountain Rescue Teams to support the local communities. They do also call on the Countryside Service's resources from time to time to assist to maintain critical operations in times of severe weather. Despite pressures on budgets the Countryside Service will still be able to offer support if required. With regard to protecting the local environment and maintain safety in the hills within your Division I would reiterate that the Peak District Authority, the National Trust, Natural England, along with other partners including the Wildlife Trust and utility companies, as far as I am aware, will continue to carry out such work. The Countryside Service will use its resources to continue to focus on its sites outside the National Park as has historically been the case.

There was no supplementary question.

(ii) Question from Councillor E Atkins to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

If we lose tourists, we lose jobs. Tourism supports many small businesses, supplying both full and part time employment in the making and selling of crafts, providing meals and beds etc., these tourist businesses help to support other businesses, which also provide employment by supplying the basic everyday needs of the population, food, services, etc.,

Money needs to circulate freely in any community; job losses reduce the circulation of money. The work of the Countryside Service supports jobs in other industries including tourism.

If we lose the employment opportunities created by the tourist industry because the attractiveness and safety of the moorland hills has been lost through neglect, we will have more people drawing on social funding sources and unable to pay their Council Tax.

The Peak District moorland hills are an important part of our Heritage and also make a major contribution to our economic survival.

How are you going to create jobs in the north west Derbyshire /High Peak area if spending cuts to the Countryside Service have an adverse effect on the safety, accessibility, beauty and viability of the Peak moorlands, all factors necessary to pull in tourists?

Councillor Collins responded as follows:-

I have been given a document on the Spending Review announcement. There is section which says: "Protection of over £350m funding for

public forests, national parks and areas of outstanding natural beauty over the Spending Review period”, so they have no cuts coming to them looking at that. The County Council recognises the important economic influence tourism and the visitor economy has upon jobs and growth in the High Peak. We are working closely with the Derbyshire and Peak District Destination Management Organisation to promote the sector and increase visitor numbers and overnight stays in the county.

Working with the D2N2 LEP partners we now have an investment action plan in place to further develop the tourism sector and have recently jointly commissioned an accommodation strategy to help shape and improve accommodation stock across the LEP area, including High Peak. Alongside the DMO and partners, Derbyshire County Council has also submitted final proposals to secure ERDF to deliver a £1.5m project to support and grow the visitor economy in Derbyshire. The proposals include: direct support to tourism, businesses, as well as an investment strand focusing on supporting market towns as key engines for growth. We hope to receive a positive response to these proposals in the New Year. Meanwhile, we recently launched a new Peak Leader Programme through the Derbyshire Economic Partnership which will distribute over £1.7m of grants to businesses in the leader area over the next five years. Key priorities of the Leader Programme include supporting farm diversification; small and medium sized enterprise competitiveness and rural tourism.

Finally, the County Council is working closely with D2N2 to help finance the completion of the Buxton Spa Hotel which should help transform the town as a visitor destination of national and international prominence.

A supplementary question was asked as follows:-

Creating jobs and improving our area is vital for the work that I and my constituents are doing to encourage visitors into our area as visitors bring money in. We are doing a lot and I am actually using my Leadership Fund towards that as well by the way. However, the other day I had something and I wanted to look at the Leader Fund in particular to get money. When I looked at the Leader Fund and started looking at the mapping I discovered that still - because it is not the first time I have looked at it I have looked at it in the past - there is this little blip on the map for the Leader Fund where you can actually get Leader money and it excludes New Mills, a large chunk of my Division, and yet I have only got one mill 200 yards from the border. I can't understand why we have been excluded and I ask that we have your support to do something about this to ensure that we can actually get the funding we need and apply for it for our area.

A written response would be provided to Councillor Mrs Atkins.

(iii) Question from Councillor W Major to Councillor P Smith, Cabinet Member for Adult Social Care

It is important that this council has the correct strategies, services and processes in place to avoid unnecessary admissions into residential beds. These services would include having both residential and domiciliary care providers in place who can deliver services that will assist someone on their recovery pathway, rather than unnecessarily accelerating them straight into a permanent residential care bed.

Will this council consider operating a policy where no one can be admitted to a new residential care permanent bed direct from a hospital bed and could this policy be built into the Better Care Fund?

Councillor Smith responded as follows:-

No, but I will expand on that. I believe we have the provision in place, the care providers and the staff. We work closely with the NHS and we do everything we possibly can to make sure residents go to the place that is the best for them. We can't have a carte blanche block on saying, "You cannot go into a residential care home". What we have to do is look at the needs and what those patients and those residents require at that time. In terms of what we are doing the Better Care Fund has streams which says we have projects in place, improvements to the Integrated Community Equipment Service to help more people to remain independent in their own homes after discharge. Social workers, and if you remember this winter blocking, and we could have that with your proposal, that we could end up with hospitals that are bed blocked. People should remain independent in their own homes after discharge; hospitals where we have social workers working in the acute sector to support discharge; community based assessments of people following discharge and short-term re-ablement. We are putting a lot of effort and work into re-ablement. When residents do have to go into residential care we are making sure the support and everything is there so they have an easy and quick transfer back into their own home. That is what we want to do. That is what we are striving to do as an Authority to get people back into their own homes, not only back into their own homes but keeping them there in the first place so the assessment process and everything around that is tightened up and we work closely with all our partners to do proper assessments on them and identify need and signpost people - and that is another element of the Better Care Fund - is signposting people to the services that they need without having to rely on hospital admissions and then subsequently going into residential care homes at the end of it.

A supplementary question was asked as follows:-

I was hoping I did not have to ask a supplementary question on this, I was hoping that the answer would be, especially when you said “short” I thought you were going to say you would consider it, that is what I was hoping you would say.

My point wasn't that people couldn't go into a residential bed it was into a permanent residential bed which means they could go into a short-term residential bed while they went through re-ablement and other services. What this has come out of is something that a Labour Authority has done, South Tyneside, which is did improved training, they have brought in this policy and like us before they had this, they had a significantly higher proportion of their population in residential care than their peers did. They did this and it had a reduction of 30% in the number of admissions to residential care beds. I just ask you to reconsider. I will happily talk to you about what the South Tyneside case study is and see if there is some possibility. I just think it is something that given when we are talking about the cuts something we should consider - even if the answer at the end is 'no' - it should be considered because you have spoken very openly about the £90m you have to find. This will take a lot of that £90m because it will take away a lot of the demographic pressures we face, so please reconsider.

Councillor Smith responded as follows:-

Yes, we are looking at measures where we can reduce the demographic pressure and that is why we have things in place that we are looking at. In terms of the figures that you are looking at, the latest six month position shows that the joint work with the NHS that we are currently undertaking is having a positive impact. The number of permanent admissions of older people reduced from 629 per 100,000 at the end of September compared to 756 per 100,000 the end of June.

In terms of South Tyneside, it is a compact area covering 664 square kilometres with a population of 146,000. We are talking about a population of 750,000/800,000 in Derbyshire. It is a smaller area. The Local Authority, CCG and Foundation Trusts share common and co-terminus boundaries so it is sometimes difficult to make comparisons, but what we will do is we are constantly working with neighbouring authorities, other authorities looking at best practice and if there is anything we can use and learn from them we will consider it.

We have increased the use of telecare; re-ablement; integrated community hubs and rehabilitation beds and we are looking across the whole area so if there is anything out there that could benefit us in that sense and reduce the demographic pressures, we will consider it.

(iv) Question from Councillor W Major to Councillor P Smith, Cabinet Member for Adult Social Care

Adult Social Care and Health services exhaust significant amounts of resources, duplicating assessments along with regular annual assessments by social care and health partners. Would it not be better to have a single assessment and review procedure for clients?

Councillor Smith responded as follows:-

Yes, but again people have different needs and we need to make sure that the assessments are driven to the needs of the individuals but we will monitor and manage that. The answer is yes.

A supplementary question was asked as follows:-

I was hopeful again that it would be a positive answer and it is this time. I just hope you will commit to looking into that and commit here and now that that will be done.

Councillor Smith responded as follows:-

We are working towards a single assessment. We have workstreams looking at that. It has been run before 2006 and 2011. The ambition is to simplify the process even further and get the right support and help to the individuals and to the residents as they need it.

84/15 NOTICE OF MOTION Moved by Councillor K P Morgan, duly seconded,

"In the light of the fact that:

- (a) this Council has received significant European funding in various areas,
- (b) this Council, rightly, is applying for further European funding, again, in various areas,
- (c) a referendum on the nation's membership of the EU will happen before the end of 2017, and
- (d) the EU currently faces significant social and community challenges

this Council makes clear its support for membership, in principle, of the European Union, appropriately reformed, and acknowledges European partnership on all funded projects."

Councillor Ms A Western proposed an amendment to the motion as follows, duly seconded,

In the light of the fact that:

- (a) This county has received significant European funding in various areas.
- (b) This county, rightly, is applying for further European funding, again, in various areas.
- (c) A referendum on the nation's membership of the EU will happen before the end of 2017.
- (d) The EU currently faces significant social and community challenges.

this Council recognises the importance of the EU Referendum and believes that Derbyshire residents should make their decision in light of full information about the benefits and challenges that the EU presents to Derbyshire.

The proposed amendment to the Motion was accepted by Councillor Morgan.

RESOLVED that, in the light of the fact that:

- (a) This county has received significant European funding in various areas.
- (b) This county, rightly, is applying for further European funding, again, in various areas.
- (c) A referendum on the nation's membership of the EU will happen before the end of 2017.
- (d) The EU currently faces significant social and community challenges.

this Council recognises the importance of the EU Referendum and believes that Derbyshire residents should make their decision in light of full information about the benefits and challenges that the EU presents to Derbyshire.

85/15 MINUTES OF MEETINGS OF COMMITTEES AND OTHER BODIES On the motion of Councillor P Dunn, duly seconded,

RESOLVED (1) to appoint Councillors D J Wilcox and S Freeborn to the positions of Chair and Vice-Chair of the Pensions and Investment Committee respectively; and

(2) that the minutes of the following meetings be received:-

- (a) Regulatory – Licensing and Appeals Committee held on 14 September 2015
- (b) Regulatory – Planning Committee held on 7 September and 5 October 2015
- (c) Standards Committee held on 7 October 2015
- (d) Pensions and Investment Committee held on 9 September and 28 October 2015
- (e) Audit Committee held on 6 October 2015
- (f) Improvement and Scrutiny Committee – Resources held on 24 September 2015
- (g) Improvement and Scrutiny Committee – Places held on 17 September 2015
- (h) Improvement and Scrutiny Committee – People held on 9 September 2015
- (i) Improvement and Scrutiny Committee – Health held on 21 September 2015
- (j) Improvement and Scrutiny Management Committee held on 17 November 2015.
- (k) Health and Wellbeing Board held on 10 September 2015
- (l) Derbyshire Police and Crime Panel held on 17 September 2015
- (m) Derbyshire Fire and Rescue Authority held on 25 June 2015
- (n) D2 Joint Committee for Economic Prosperity held on 3 September 2015