

## **PUBLIC**

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL**  
held on 6 December 2017 at County Hall, Matlock

### **PRESENT**

Councillor Mrs L M Chilton (In the Chair)

Councillors T Ainsworth, D Allen, R Ashton, K S Athwal, J Atkin, N Atkin, S A Bambrick, N Barker, B Bingham, Mrs S L Blank, J Boulton, S Brittain, S Bull, Mrs S Burfoot, K Buttery, Mrs D W E Charles, J A Coyle, A Dale, Mrs C Dale, J E Dixon, Mrs H Elliott, R Flatley, Mrs A Foster, Mrs A Fox, J A Frudd, K Gillott, A Griffiths, Mrs L Grooby, Mrs C A Hart, G Hickton, R Iliffe, Mrs J M Innes, T A Kemp, T King, B Lewis, W Major, P Makin, S Marshall-Clarke, D McGregor, R Mihaly, C R Moesby, P Murray, G Musson, R A Parkinson, Mrs J E Patten, J Perkins, 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, Ms R Woods and B Wright.

**68/17      APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors Mrs E Atkins, M Ford and Mrs I Ratcliffe.

**69/17      DECLARATIONS OF INTEREST**      There were no declarations of interest.

**70/17      CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:-

- (a) The Chairman reported that Councillor Mrs I Ratcliffe was currently unwell and might find herself in the position of not having attended any Council meetings during a six month period which would have consequences for her membership of the Council.

On the motion of Councillor Mrs L M Chilton, duly seconded;

**RESOLVED** to approve the non-attendance of Councillor Ratcliffe at meetings for the remainder of the municipal year.

- (b) The Chairman reminded Members that this was the first meeting of Council since the new rules of procedure were agreed limiting the duration of Council meetings to three hours unless a majority of the Members present vote for the meeting to continue.

- (c) The Chairman reported the death of former County Councillor Nancy Wawman.

A minute's silence was observed and tributes were made.

- (d) Tim Blowers, Head of the County Catering Service, Kate Evans, Catering Service Manager, Becky Clarke, Catering Development Officer and Katie Woods, Catering Development Officer attended the meeting to receive the Foodservice Catey Award for Innovation.

**71/17      MINUTES**    On the motion of Councillor Mrs L Chilton, duly seconded;

**RESOLVED** that the minutes of the meeting of Council held on 13 September 2017 be confirmed as a correct record.

**72/17      REPORT OF THE LEADER**    Councillor B Lewis, Leader of the Council, referred to the Derbyshire 'postcards' that had been recently circulated to all Members. They included information about the County Council which should be useful for reference and were a handy size to be able to keep in pockets. A leaflet had also been produced which listed the County Councillors who represented the various districts of the County and these were another useful information resource.

There were no questions on the report.

**73/17      PUBLIC QUESTIONS**

**(1) Question from Frank Gorman to Councillor A Dale, Cabinet Member for Children's Services**

As Trustees of the Chesterfield Schools Foundation Charity, can you explain why the Council has allowed Hurst House, Abercrombie Street, Chesterfield, the Charity's principal asset, to remain unoccupied and unsold since its last tenant left in July 2014, with consequent serious loss of income to the Charity.

Is the Council properly discharging its duty as Trustees?

Mr Gorman was not present at the meeting to ask the question and the Chairman stated that a written reply would be provided.

**(2) Question from Anne Sadler to Councillor Mrs C A Hart, Cabinet Member for Health and Communities**

How will the bedded ward, projected for the Derwent Street proposed facility in Belper, be staffed, bearing in mind there may well be patients with such issues as diabetes or dementia?

Mrs Sadler was not present at the meeting to ask the question and the Chairman stated that a written reply would be provided.

**(3) Question from Catherine Mears to Councillor Mrs C A Hart, Cabinet Member for Health and Communities**

As our elected representatives within Derbyshire, I would like you to address in detail the following concerns of many Derbyshire residents, patients and carers including myself regarding the Sustainability and Transformation Plan MoU which has been signed by the Council.

What risk assessment has been undertaken by the Council in terms of safeguarding of vulnerable adults given the high risk rating awarded to finance, delivery and sustainability in the STP plan submitted in October 2016?

Councillor Hart responded to the question as follows:

I am not really clear if this question is regarding safeguarding risks or financial risks, so I will address both.

In terms of the safeguarding of vulnerable adults, the STP in itself does not alter our core responsibilities in this respect. All partners are statutorily obliged to follow robust safeguarding principles and practices. This is overseen by an independent Safeguarding Adults Board whose annual report is publicly available. If you have seen this report, most safeguarding issues arise as a result of individual behaviours and are not as a result of any financial challenges affecting organisations. All safeguarding alerts are taken very seriously and responded to with a high priority.

In terms of financial risk, the County Council retains the responsibility to care for vulnerable residents outside the care provided by the NHS. The Council has robustly evaluated its own financial position through medium-term financial planning and evaluation of the level of reserves and has been positively assessed by KPMG, our External Auditors. Their Audit Letter, which is on the agenda for today's meeting states:

“The Authority has made proper arrangements to make sure it took properly informed decisions, worked with partners and third parties and deployed resources to

achieve planned and sustainable outcomes for taxpayers and local people.”

As said at the Cabinet when this was agreed, the Memorandum of Understanding (MoU) is committing the Council to the principles of partnership to ensure the best use of taxpayers’ money across the health and social care system. It does not commit this Council to any additional financial risk. The Council has robust decision-making processes and the MoU does not negate or shortcut any of those decision-making processes.

The following supplementary question was asked by Mrs Mears:

Because I was concerned more about the safeguarding, by which I mean neglect, which will arise if the risk assessment, which was undertaken and submitted as part of the STP Business Plan, remains in the red zone. My concern is, where can I find out as a member of the public and as a patient and carer, how that red zone is being mitigated, given that there are such severe cuts to social services and social care is such a vital component of the STP?

Councillor Hart responded to the supplementary question as follows:

Yes, there is a lot of work being taken on with partners, and where we have got red zones, of course we will all be working together as partners to deliver. I know a lot of people have concerns about the STP, but the fact is we can’t carry on the way we have been doing, we have to look at new ways of working. I think the STP working together, will be able to help each other to address these concerns. We have a Health and Wellbeing Board, we go through the STP at each Board meeting. There will be reports coming from the STP group and we will make sure that we follow up on any of those red zones. As I say, I think working with all our partners together, this is the idea of this system, we will be able to address it in a much better way.

**(4) Question from Christine Jordan to Councillor Mrs C A Hart, Cabinet Member for Health and Communities**

At the Cabinet meeting on 26 October 2017, Item 13: Memorandum of Understanding for the STP, Councillor Barry Lewis asserted that acceptance of this Plan would pose no financial risk to the Council; financial risk being shared across the whole Local Health System.

Since, increasingly more providers are private companies and as such expect to make a profit, is it expected that they must set aside

their own interests for the good of the whole system, and allow any surpluses they make to offset losses elsewhere, especially since some of the NHS providers will be in deficit? Equally is it envisaged that public funding could support and subsidise private companies operating at a loss?

Councillor Hart responded to the question as follows:

As previously stated, the MoU is a statement of principle and does not replace the current decision-making process of any of the partners. The idea behind the MoU is that for health and social care to be sustainable in the long-term, we need to move away from the traditional commissioning practices that commission for activity rather than outcomes, often resulting in some organisations having a surplus of funding and others not being financially viable.

You are quite right, for many years there has been a mixed economy of care within health and social care. Indeed, we rely heavily on our independent sector partners including many GP practices; opticians; pharmacists and dentists, as well as a large independent sector that deliver essential home care and provide a wide choice of residential and nursing homes for our older population. Those organisations in themselves do not make the commissioning decisions. These commissioning decisions for healthcare are made by the Clinical Commissioning Groups and the decisions for social care are made by the Council, with advice from our specialist commissioning staff. Any funding decisions we make are based on providing the services our residents need and delivering the best value for money.

The following supplementary question was asked by Mrs Jordan:

So are you confident that these processes will be transparent and open to scrutiny by yourselves and members of the public?

Councillor Hart responded to the supplementary question as follows:

I am very happy with that. We have a Health Scrutiny Board, as you probably know. They scrutinise very carefully. I think they had quite a long session only last week.

As I said earlier, I think where the worries about the STP come in, I think it is positive where we are working with partners and I think we will benefit. In September, we were the best performing county area in terms of the late transfers of care, which is bed blocking. It was part of our Manifesto pledge that we wanted to stop bed blocking. That is testament to the partnership working embedded in this joined up care

plan and also non-elective admissions to hospital that are unplanned. That has not increased, so again, it is the work being done to try to prevent people going into hospital. I think we all know people don't want to be in hospital, they want to be at home and as soon as we can get them home with the proper care, then that is what we want to do. It is nice that people get the treatment though most of them, once they are starting to feel better, just need a bit of extra help, but they want to get back into their own houses. It is starting to work, it is going to have some problems, we all know that, but it is starting to work, and I think it is nice we have been recognised already about some of the work we are doing.

**(5) Question from Graham Heaseman to Councillor S A Spencer  
Cabinet Member for Highways, Transport and Infrastructure**

Councillor Simon Spencer was informed by a fellow resident of Newton that HS2 held a Heads of Services Meeting on 4 May where discussions and approvals were scheduled to take place with regard to the HS2b route, including the 'Sheffield Spur'.

A Freedom of Information request showed that time ran out at this morning meeting, giving no time to discuss 'The Spur' and attendees of the meeting were forwarded incorrect, flawed and inaccurate information on which to base their approval of the so called 'preferred route' which is so damaging to our part of the County.

There was no time to discuss this extremely contentious section of the route, and the attendees were emailed the flawed and incorrect information on which to base their opinions and approval by noon the following day.

Given the on-going blight, damage and upheaval to homes and commuters that this preferred route will cause to the eastern part of the county, not to mention the 800 plus potential new jobs at McArthur Glen, may I ask if Mr Spencer has read this information and how does he plan to challenge HS2 given Minister Paul Maynard's demand that HS2 treat those affected with respect and integrity?

Councillor Spencer responded to the question as follows:

Many of the questions that you ask in this question today are really not the responsibility or the territory of Derbyshire County Council. I, for the sake of sounding repetitive, have to say this is a Government project, as I keep saying to you and your colleagues, and responsibility lies with the Department for Transport. The County Council is committed to the economic benefits of HS2, whilst minimising the adverse impacts that will take place as a consequence of its delivery.

This has been a consistent policy of this Council since 2013.

I am fully aware of the concerns of the residents of Blackwell and Newton and the area round about. Indeed, the County Council was one of the organisations that pressed very strongly for this consultation event to take place with yourself.

I did attend the event on the 26 October with my Strategic Director, and we had long discussions with many of your residents at that particular meeting. Many of them were very vociferous in their views. I think the language used at that particular meeting was that secret meetings had taken place.

Now I wasn't aware until today or when you sent the question, what that meeting was about. I have made some enquiries with HS2 to establish the structure of the meeting, but I believe it is an inappropriate thing to ask me to comment about that, how that meeting was held and how the information was shared, but I have no reason to doubt the integrity of these civil servants who provided that advice.

Having said that, Derbyshire County Council is committed to working with you and all residents who are directly affected by the HS2 and, as you know, Derbyshire County Council will be chairing a Mitigation Board on behalf of the HS2 Strategic Board for the East Midlands.

We did have a launch of HS2 that took place in the East Midlands a week last Thursday, and in attendance at that meeting, was Sir David Higgins, Sir John Peace and the Secretary of State for Transport. During the question and answer session, I did ask the Secretary of State and Sir David Higgins, what pragmatic procedures they were going to put in place to address concerns of mitigation that were shared not only by you, but other residents across the whole of the East Midlands.

I got a very straightforward answer, Mr Heaseman, "We want to be fair and we want to listen to the concerns of local residents" and I have no doubt whatsoever that will be the case. I do think you should take this question to the HS2 Board. I can tell you the meeting did take place and that it was an officer meeting, but I can tell you no more about the procedures that took place and how that meeting was held because it would be inappropriate of me to do so, and I was not invited to it myself.

The Chairman indicated that, as the following two questions related to the same subject matter, they would be read out and a single

response made. Each questioner would then have the opportunity to ask a supplementary question.

**(6) Question from Mike Jones to Councillor Mrs C A Hart, Cabinet Member for Health and Communities**

Given the closure of Bolsover Hospital, how will remaining provision at Clay Cross Hospital meet the ever increasing needs of the local community?

**(7) Question from Mary Dwyer to Councillor Mrs C A Hart, Cabinet Member for Health and Communities**

What is the business plan for increasing capacity within the community for the care and rehabilitation of elderly and vulnerable patients who will no longer have access to the multi-disciplinary care provided in the community hospitals which are due to close, at a time (and for the foreseeable future) of severe cuts to adult social care services and medical and nursing staff shortages in primary, community and secondary care?

Councillor Hart responded to both questions as follows:

I think both of these are really questions for our health partners as the Council does not run the hospitals or Community Health Services. The decision on closure was made by the Clinical Commissioning Groups following lengthy consultation, and the plans are set out in their document 'Better Care Closer to Home', which is publicly available. I understand also, that CCGs hold regular Board meetings and they are open to the public.

However, what I can say is that this Council is committed to working in partnership with Health to enable people to stay in their own homes as long as possible and not be subjected to unnecessary hospital admissions. We know our hospitals do a fabulous job when people really need acute medical care, but we also know they are not the best place once people no longer need intensive medical treatment. I know, for example, that 48% of people currently end their lives in a hospital bed, when the wishes of the vast majority are to die in the place they call 'home'. We also know that for an older person, ten days spent in a hospital bed, can equate to ten years of muscle ageing with the attendant loss of function. This again goes back to the whole ethos of the STP to get people back at home as soon as possible.

As you say, there are shortages of nursing staff and the plans set out the ambition to move the staff from the bed based models of care to community services. They are providing much needed nursing, therapy



and specialist support for people in their communities.

The following supplementary questions were asked:

Mr Jones: My question was trying to be a little bit more specific as to how the existing provision at Clay Cross Hospital would meet what are in fact, ever increasing demands, including those formerly met by Bolsover Hospital?

Both communities, Bolsover and Clay Cross, I know contain some areas of social deprivation. There is strong evidence which links poverty and ill-health. I think I would like perhaps, some more detailed planning about how, what is inevitably going to be reduced intermediate care provision, for instance. beds, can actually support the needs of those communities?

Ms Dwyer: I would like to second Mr Jones's question actually, because I at present have a 96 year old father-in-law who has had hospitalisation over the summer and now lives at home independently, which he wishes to do. I have been to my MP and Derbyshire Community Health Service, about the inadequacy of district nurses and other services. In fact, I wouldn't only say "inadequacy", basically it is not happening. If it wasn't for my husband, who is his main carer, who they won't communicate with, so there is no wrapped around care, he would not be cared for at all. In fact, he probably would be dead now. I am worried personally, but I am also reflecting this on the number of elderly and vulnerable across Derbyshire who I don't see their needs being met if they are going to be treated in the same way as my father-in-law has.

Councillor Hart responded to both of the supplementary questions as follows:

I think I can answer both of those supplementary questions in one. Again, we have said there is a problem with staff and that is why that is being worked on. We have also said that, hopefully, no beds will close until there are sufficient places for the people to go. That is important. There was a hiccup at Bolsover and that was due to staffing levels, but I can assure you, people will not be moved out unless they have sufficient accommodation, or people to look after them when they leave. I am sorry to hear about your problem there.

We are always going to get an occasional few. It is one of those things, you can't get it 100% right, but we are working very hard. When you set a new system up of any kind, there is always that transition period. All I can think is, if you put elderly people in hospital, my mother was in, you go in and the first thing she ever said to me when I went to

visit her was “When am I going home?” They just want to go home and that is what we are trying to facilitate.

Yes, there are some problems. Yes, we have a lot of work to do, but this is the idea of working together because people have been isolated and not worked in proper partnership. It is working together to try and deliver that. As I say, there will be occasional times when things fall through the net, I know that isn't good, and we will try and do all we can to make sure that doesn't happen, but I think it is the sensible way forward.

You mentioned people aged ninety-six. People are living longer and there comes a time when things have to change. The system just can't cope with the way things are now. As I say, people want to get home if they can and I think that is what we are aiming for, so we will try and do all we can, I can assure you, working together as partners. It has been a little bit slow getting started but there has been quite a bit more progress over these last few months and I would like to see that continuing because I think it will have benefits.

**(8) Question from Tony Dempsey to Councillor Mrs C A Hart, Cabinet Member for Health and Communities**

The Interpreted Risk Management Plan of Derbyshire Fire and Rescue Service confirmed a review of the current working practices at Glossop and Matlock Fire Stations, would be undertaken with a view to saving £600k each year. The only way of saving that amount of money, is to cut the number of full-time Firefighter posts. This will mean a reliance on Retained Firefighters who do a fantastic job, but due to the nature of their home and work lives, cannot possibly respond to an incident in the same time as the full-time Firefighters currently can. All this is being done whilst the Service operates with around eighteen vacancies which creates savings of over £500k a year.

Do the Members of this Council agree that, in light of the tragic events of Grenfell Tower and recent Firefighter deaths in Manchester and Edinburgh, that now is not the time to be cutting Firefighter posts, increasing response times and increasing risk to Firefighters and our communities, by increasing the risk of there being no fire engine available from those stations, as proven in Swadlincote, which was the last time Derbyshire Fire Authority did a similar exercise?

Councillor Hart responded to the question as follows:

First of all, I think all Members should recognise and appreciate the bravery and the professionalism of all the Firefighters and staff in their commitment to making Derbyshire safer. I think we would all

agree with that.

I am sure we all welcome the Government's quick response in establishing a public inquiry into the catastrophic fire at Grenfell Tower in West London, which saw the loss of so many lives and the establishment of the Independent Review of Building Regulations and Fire Safety to urgently assess the effectiveness of current building and fire safety regulations and related compliance and enforcement issues. This review really needs to take place. We need to get the outcomes from it and get the things implemented that come out of that outcome. We don't want another tragic event such as that.

I am aware that, following the public and stakeholder consultation, Derbyshire Fire and Rescue Service implemented an Integrated Risk Management Plan in March of this year. This Plan was adopted by Fire Authority Members, having received unanimous cross-party support.

I understand the Fire Authority have a meeting tomorrow. If the Fire Authority decides at the meeting, to go out to consultation on options for the duty systems at Matlock and Glossop Stations, I am sure a fair process will be followed. All Members of the Fire Authority will, I am sure, consider the consultation feedback carefully before making their decision.

Although this Council appoints Councillors onto the Fire Authority, as does Derby City, the Fire Authority acts independently from this Council, but if consultation is agreed, all Councillors will have an opportunity to respond individually.

The Chairman indicated that, as the next six questions related to the same subject matter, they would be read out and a single response made. Each questioner would then have the opportunity to ask a supplementary question.

**(9) Question from Jason Motley to Councillor Mrs J Wharmby, Cabinet Member for Adult Care**

At the consultation meeting with families at Hazelwood on 9 October 2017, the families were informed that the County Council would pay reasonable top-up costs to private providers should there be insufficient places in local authority care homes. What assessment of the likely cost implications have been made as to the revenue implications of paying top-up fees?

**(10) Question from Georgina Thornley to Councillor Mrs J Wharmby, Cabinet Member for Adult Care**

The current Conservative administration, when in opposition, were highly critical of what they saw as the excessive level of reserves being maintained by the County Council. The consultation exercise over the potential closure of Hazelwood residential home in Ilkeston, and the estimated cost of works there, has highlighted the fact that the refurbishment programme, as a whole, is underfunded and will not be capable of delivering its objectives. Would the Portfolio holder agree that providing additional funding for the programme is an appropriate use for the “mountain” of cash reserves held by her Council?

**(11) Question from Geoff Stratford to Councillor Mrs J Wharmby, Cabinet Member for Adult Care**

The Portfolio holder will be aware that there is much opposition to the potential closure of the Hazelwood residential home in Ilkeston. Amongst those opposing the proposal, there is serious scepticism and concern over how the estimates for repairs, given to Cabinet, have been constructed.

Would the Portfolio holder agree that, in the interests of a transparent and effective consultation process, professionals and tradesman commissioned by those opposed to the potential closure should be allowed access to Hazelwood to assess the extent of any works needed and review the estimate of costs?

**(12) Question from Nicky Carless to Councillor Mrs J Wharmby, Cabinet Member for Adult Care**

In the event of closure, what assurances will the Council give to residents that they will not be socially isolated from their family and friends particularly those who rely upon public transport? Will the Council give a guarantee that residents will not be placed outside of Ilkeston?

**(13) Question from Siobhan Cunningham to Councillor Mrs J Wharmby, Cabinet Member for Adult Care**

When Hillcrest was closed in 2015, it was publically promised that Hazelwood would be available for the people of Ilkeston. Ged Tatham, one of the former residents at Hillcrest, was content to be moved to Hazelwood knowing that he would still be local to friends and family and his beloved Ilkeston Town Football Club. Ged is currently in hospital and suffering considerable stress and anxiety about the potential move. Why is this Council reneging on its promise to the people of Ilkeston that they would continue to have a Local Authority care home in their community?

**(14) Question from Dave Morgan to Councillor Mrs J Wharmby, Cabinet Member for Adult Care**

The Conservative Manifesto for the May 2017 County Council elections contained the following promise on adult social care: “We will restart our innovative Care Programme to provide new modern care homes for the County’s older people – scrapped by Labour in 2013.....We promised not to close an existing old people’s home until a new one was available for residents.

In view of that the unequivocal statement, will the Portfolio holder provide an equally unequivocal reassurance to the residents, relatives, carers and staff of Hazelwood residential home in Ilkeston that their home will not be closed “until a new one was available for residents”?

Councillor J Wharmby responded to the questions as follows:

We are pleased to receive these comments and questions on the proposed closure of Hazelwood Home for Older People. These would form part of a consultation process, as you know, and no decision will be made until the Cabinet meets in February 2018. I do recognise how hard it is for people who live in Hazelwood to be faced with the consultation, and that there are many views to be taken into account. I am therefore, pleased to announce that given the level of interest in this consultation on the future of Hazelwood and, in order to give further time for people to respond, it has been decided to extend the consultation period until 2 January 2018.

What I can say in response to your questions raised today, is that potential costs and potential savings will be considered in February. The consultation on the possible closure of Hazelwood, relates to the essential work which is required and whether this represents good value for money. We have listened to concerns expressed during the consultation to-date and have agreed to bring in an independent cost consultant to review the budget estimate outlined in the proposal. We believe this will provide sufficient transparency as well as helping Cabinet decision-making. As such, we do not believe it is necessary or appropriate, that tradesmen commissioned by those opposed to the potential closure will offer any useful insight to this matter.

In the event that a decision is made to close Hazelwood, the Council’s pledges to residents would always be honoured. I am sorry to hear about the impact on a particular resident. We recognise that this is a difficult time for all the residents at Hazelwood. In the event of closure, the pledges to residents I have mentioned, will be used to assure people that they have a choice about alternative care in the local

area and that they are supported to maintain their existing friendships and links.

We have plenty of vacancies in the other buildings and the other care homes in that area. I am assured that there would not be a top-up fee needed for those.

The following supplementary questions were asked:

Ms Thornley: In response to your answer to the question, I didn't actually hear anything about the reserves. My supplementary refers to a recent letter to Jason Motley from Joy Hollister, where it was noted that cash reserves were potentially available, so what I would like to know is, what would be a better use of the funds other than investment of the reserves if there is quite a lot there?

Mr Stratford: Just on those estimates, I think it is probably quite welcome to hear there will be an independent assessor. I am not sure why you want to restrict yourself to just one. Will the assessor have access to the Family Support Group in Ilkeston who are so concerned about its closure, so that they can talk to that assessor and, will it be clear in the budgets that are produced, what is being entailed as essential work against potential contingency funding and therefore potentially inflating the cost of those essential repairs?

Ms Atkinson: The June 2015 report to Cabinet, recommended the retention of Hazelwood and particularly stressed the strategic and local market importance of Hazelwood as one of its reasons for retaining it. Why is this not addressed in the September 2017 report to Cabinet and what has happened, other than a change of political administration at County Hall, to justify this change of position?

Mr Morgan: Would the Portfolio holder agree with me, that firstly in view of the clear manifesto commitment not to close a Home until a new one was available for residents, that the residents and their relatives and friends have had a proper clear and legitimate expectation that the Home would be safe in their hands following the 2017 County Council elections?

Secondly, bearing in mind her earlier reply, will she confirm that a new Home will be built in Ilkeston under the new £300m care programme, in accordance with the Manifesto commitment before Hazelwood is closed?

Ms Carless: If Hazelwood is to close, can the Council assure us that they will provide funding for taxis to enable residents to maintain their links to their family, friends and community?

Councillor Wharmby responded to the supplementary questions asked as follows:

The consultation is on-going and, from today, you know it has been extended now to the 2 January, so that hopefully, we will get more information in then. All the comments, queries and concerns raised in today's Council meeting, will form part of the consultation and the process will be considered by Cabinet at a later stage, which we have already told you.

We have to consider, when you have been asking the different questions, best value for money. You talk about 'reserves'. We have to take that into consideration and we have to do what is best value for money.

The estimates will be given as a normal estimate, but all the information will be there if you need the information. I am sure it will go through the procedure it normally goes through.

We have found out that we have these problems with the building. The building needs more money spending on it and it has structural damage. There is a lot of work that has to be undertaken, so I think this is what we are considering in this consultation. That is why we are considering all these things and questions can't be answered until the end of the consultation.

The gentleman was saying about our Manifesto. Yes, in our Manifesto we said we wouldn't be closing any nursing homes. I know that is what it said, but circumstances force us to look at different things like this, we are not saying we are closing our nursing homes, we are saying we are doing a consultation on that.

I have to say we are doing lots and lots of work still in the County. We are still going ahead with our care facilities. We have two new builds at the moment in Thomas Fields and also in Belper, but I must say again, in the consultation, we did not say we would consult against closing nursing homes, but needs must and, if that is what we have to do, that is what we have to do. In our administration, we have to do what is best for the people in the care homes. We don't brush things under carpets. We don't not look at things because we don't want to do, we are looking at the bones of things and, if other people like the last administration did not look at these things, did not do the work they should have done, then that is a problem from what they did, not what we are going to do in the future. I can assure you, the care for our people in our nursing homes is the utmost.

**74/17**        **PETITIONS** There were no petitions to report.

**75/17**        **STATEMENT OF ACCOUNTS 2016-17 AND ANNUAL AUDIT LETTER 2016-17**        The Director of Finance and ICT presented a report which contained the External Auditor's 'External Audit Report 2016-17' and the approved Statement of Accounts 2016-17 and Annual Audit Letter for 2016-17.

It is a requirement of the Accounts and Audit Regulations 2015, that the Director of Finance and ICT certifies the Council's pre-audit Statement of Accounts for the year ended 31 March 2017 by 30 June 2017, and that the Audit Committee approve the post-audit version before 30 September 2017.

The core financial statements included in the Statement of accounts were:

- Comprehensive Income and Expenditure Statement (CIES)
- Expenditure and Funding Analysis (EFA)
- Movement in Reserves Statement
- Balance Sheet
- Cash Flow Statement
- Pension Fund Accounts
- Annual Governance Statement
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It was reported that the main changes from the previous Statement of Accounts for 2015-16, had been the revised format of the CIES and the introduction of the EFA.

Under the Local Audit and Accountability Act 2014 (Sections 25 to 28) and the Accounts and Audit Regulations 2015 (Regulations 10, 14 and 15), the Council's Statement of Accounts for the year ended 31 March 2017 and certain related documents had been made available for public inspection from 5 June 2017 to 14 July 2017. No queries had been raised.

Subsequently, the Statement of Accounts had been submitted to the External Auditor, KPMG, who had approved them. The External Auditor had then presented the 'External Audit Report 2016-17 to the Audit Committee at its meeting on 27 September 2017, and the Pension Fund Accounts had been presented to the Pensions and Investment Committee on 1 November 2017.

The External Auditor had again acknowledged the well-established and strong accounts production process, the high standard of accounts, the quality of supporting working papers and the responsiveness of the finance teams during the audit. Certain audit



adjustments and actions had been required and these were detailed in the report.

In addition, KPMG were required to present an Annual Audit Letter to Members and officers of the Council and a copy of this letter was appended to the report.

On the motion of Councillor B Lewis, duly seconded,

**RESOLVED** to note the report, the External Auditor's 'External Audit Report 2016-17', the approved Statement of Accounts 2016-17 and the Annual Audit Letter 2016-17.

**76/17            BUDGET MONITORING 2017-18 (AS AT 31 AUGUST 2017)**

The Director of Finance and ICT presented a report which provided Council with an update of the Revenue Budget position for 2017-18 as at 31 August 2017.

The report summarised the controllable budget position by Cabinet Member Portfolios as at 31 August 2017. In addition to this report, further reports would also be considered at Cabinet Member meetings, the Audit Committee and Council, in accordance with the Budget Monitoring Policy and Financial Regulations. There were overspends on the Young People and Economic Development and Regeneration Portfolios. The projected outturn compared to controllable budget was summarised in the report, along with details of the individual Portfolio positions.

It was reported that a portfolio underspend of £1.521m was forecast after the use of Earmarked Reserves to partly fund Young People and the use of the General Reserve to support local bus services. Any underspends in 2017-18 would be used to manage the budget in 2018-19. The Risk Management Budget had a underspend of £7.403m, however, the balance would support the management of a balanced budget in future years.

Details of additional grant income received in-year had been reported to Cabinet at its meeting on 20 July 2017. This resource would be used to help manage the budget in future years and details of this were set out in the Five Year Financial Plan.

Interest on balances was estimated to break even by the year-end and, whilst the interest base rate remained at 0.25%, the Council utilised a range of investments to maximise its income.

Details of the Council's Earmarked Reserves balances as at 31 August 2017 were appended to the report. It was noted that the recent

review of the Council's reserves' balances had been reported to Cabinet on 26 October 2017.

On the motion of Councillor B Lewis, duly seconded;

**RESOLVED** to note the 2017-18 budget monitoring position as at 31 August 2017.

**77/17      ADOPTION OF THE REVISED FINANCIAL REGULATIONS**      The Director of Finance and ICT sought approval for the adoption of the revised Financial Regulations.

A detailed revision of the Council's Financial Regulations had taken place in 2014. Whilst the changes implemented were working well, it had been felt appropriate to revisit and review them. The emphasis had been to examine the areas where 'lower level', routine decisions could be delegated to officers to reduce the number of reports presented to Portfolio meetings, and also to address the need for Departments to be able to respond in a timely manner to purchasing decisions. These changes would be underpinned by a revised scheme of delegation which would set out the requirements to ensure compliance with the revised Regulations.

A copy of the revised Financial Regulations had been sent to each Council Member by email for reference only. The key areas which were being recommended for change were detailed in the report. The proposals which had been considered by both Cabinet and Audit Committee were presented for Full Council approval.

On the motion of Councillor B Lewis, duly seconded;

**RESOLVED** to approve the revised Financial Regulations.

**78/17      APPOINTMENT OF LOCAL PENSION BOARD CHAIRMAN**      The Director of Finance and ICT sought approval for the appointment of the Chairman of the Derbyshire Pension Board from 1 April 2018 for a period of up to four years, subject to review at twelve and thirty six months.

At its meeting in April 2015, Council had approved the establishment of the Derbyshire Pension Board, as required by the Local Government Pension Scheme (Amendment) Regulations 2015.

Mr Ronald Graham, the current Chairman of the Board, had been appointed for an initial term of one year at the Council's meeting on 3 June 2015. Mr Graham's term of office had then been extended to 31 March 2018 by the Council at its meeting on 7 December 2016.

It was reported that a process had now been completed, in advance of the expiry of the current extended contract, to award a new contract from 1 April 2018.

The terms of the new contract included a maximum four year period of tenure for the Chairman, which would be consistent with the approved four year terms of office for the employer and employee representatives on the Board. However, as the performance of the Chairman was key to ensuring that the good governance of the Derbyshire Pension Fund, review breaks at twelve and thirty-six months had been included in the contract.

Details of the procurement exercise undertaken were included in the report. Two applications had been received by the deadline and both applicants had been interviewed. Mr Ronald Graham had achieved the highest overall score, and therefore it was proposed that he should be appointed as the Chairman of the Derbyshire Pension Board.

On the motion of Councillor B Lewis, duly seconded;

**RESOLVED** to approve the appointment of Mr Ronald Graham as Chairman of the Derbyshire Pension Board for a maximum term of four years from 1 April 2018, subject to satisfactory review at twelve and thirty six months.

**79/17      NOMINATIONS FOR APPOINTMENT TO THE ROLE OF HONORARY ALDERMAN AND ALDERWOMAN**      The Director of Legal Services and Monitoring Officer presented a report which sought Council's approval, in principle, of nominations for the appointment to the roles of Honorary Alderman and Alderwoman.

The Council had previously agreed to confer the title of Honorary Alderman or Honorary Alderwoman on persons who had, in the opinion of the Council, rendered eminent service as past members.

Four nominations had been made by the Conservative Group Leader to confer the honorary title upon former Councillors Stuart Ellis, Mrs Annette Noskwith CBE, John Harrison and Andrew Lewer MP, MBE. Two nominations had been made by the Labour Group Leader to confer the title upon former Councillors John Williams and Mrs Joyce Sanders.

Council was asked to consider the nominations in principle, so that, if agreed, the formal appointments would be made at a specially convened meeting, as required by law, which would take place immediately prior to the Council meeting on 7 February 2018. In order

to confer the honorary title, the Council must pass a resolution by not less than two-thirds of the Members present at that meeting.

The names of the appointed Aldermen and Alderwomen would be added to the roll held by the Monitoring Officer and they would be presented with a badge of office at the meeting on 7 February 2018.

On the motion of Councillor B Lewis, duly seconded;

**RESOLVED** to approve, in principle, to (1) confer the title of Honorary Alderwoman upon former Councillors Mrs Annette Noskwith CBE and Mrs Joyce Sanders;

(2) confer the title of Honorary Alderman upon former Councillors Stuart Ellis, John Harrison, Andrew Lewer MP, MBE and John Williams;

(3) add the names of the appointed Aldermen and Alderwomen to the roll held by the Monitoring Officer.

**80/17      DERBYSHIRE COMBINED FIRE AUTHORITY – APPOINTMENT** The Director of Legal Services sought approval for the amendment of the County Council's representation on the Derbyshire Combined Fire Authority.

At its Annual General Meeting on 24 May 2017, the County Council appointed representatives to serve on committees and outside bodies, including the Derbyshire Combined Fire Authority, to which Councillor E Atkins had been appointed as the Liberal Democrat representative. Councillor Atkins had since indicated that she no longer wished to serve on the Fire Authority and therefore the Council was asked to approve Councillor S Burfoot as the new Liberal Democrat representative.

On the motion of Councillor B Lewis, duly seconded;

**RESOLVED** to approve the appointment of Councillor S Burfoot as the Liberal Democrat representative on the Derbyshire Combined Fire Authority.

**81/17      WAIVER OF THE CALL-IN PROVISIONS** On the motion of Councillor B Lewis, duly seconded;

**RESOLVED** to note the report on the agreements to waive the call-in provisions.

**82/17      REPORT OF CABINET AND MEMBERS' QUESTIONS ON THE REPORT** Councillor B Lewis, Leader of the Council, presented

a report on the decisions that had been taken at meetings of Cabinet held on 14 September, 5 and 26 October and 16 November 2017.

The following questions were raised:

**(1) Question to Councillor Mrs J Wharmby, Cabinet Member for Adult Care from Councillor Mrs C Dale – Review of Residential Care Homes – 14 September 2017**

Given that the report from Scrutiny in respect of the County Councils Residential Homes was on the same agenda as the Closure Report for Hazelwood, then why did Scrutiny produce a favourable report towards Hazelwood and fail to highlight its major structural problems?

Councillor Wharmby responded as follows:

I would like to take this opportunity to thank the Scrutiny Committee for the report. The Scrutiny review was looking at the quality of the service, the care and support delivered and the general environment. They used the information from Healthwatch and CQC to inform them on the visits when they went there. It was not to audit or look at the structural fabric of the building, as far as I am aware.

Councillor Mrs Dale asked the following supplementary question;

It is with regard to this Scrutiny report, this favourable Scrutiny report where members unanimously accepted all its recommendations, so why are you not delivering on what you are committed to?

Councillor Wharmby responded to the supplementary question as follows:

I think it is quite obvious that we are in consultation for Hazelwood so that is why we are looking at it differently. We have found things which have faults there, things that need to be looked at and I think that is why different from the Scrutiny Review. It was worth running side by side.

**(2) Question to Councillor Mrs C A Hart, Cabinet Member for Health and Communities from Councillor D Allen – Sustainability and Transformation Partnership Memorandum of Understanding – 26 October 2017**

The Cabinet decision to sign the STP Memorandum of Understanding, commits the Council to what is called a 'binding agreement to putting the financial interests of the whole Accountable

Care System in Derbyshire before those of any one partner. This is not yet a legal obligation, but it soon will be if the plans are allowed to continue. Have the clear financial risks to the Council of signing the MoU and proceeding with the creation of an Accountable Care System in 2018, been properly assessed in a formal report and, if so, when will this report be shared with all Councillors?

Councillor Hart responded as follows:

One of my fellow colleagues actually said they thought you had had quite a long answer to this last week at the Health Scrutiny, but I am quite willing to say it all again.

The NHS and Social Care budgets are completely separate, apart from the BCF, which is a longstanding agreement. Any future pooling of budgets would be subject to the Council being satisfied that any arrangements did not place the Council at an unacceptable risk and would also be subject to agreement of both the Section 151 officer and our Auditors. As we have not been asked for any further pooling arrangements, or indeed considered any other forms of risk sharing, there is no report to be shared.

Councillor D Allen asked the following supplementary question;

Yes, Scrutiny was interesting last week. One of the things I said which I hope this has been accepted, is that the actual understanding of accountable care systems at the County organisation is something which I think needs further explanation, and I hope Scrutiny will get more of an explanation of what the implications are. Obviously, some of us know a little bit more than others.

I stand by what I said originally when we were in power, that the STP was a process which we supported, even though we were criticising some aspects of it, but it is the progression of that. My worry is once you move away from accountable care systems to other organisations, you are potentially moving to an area where more services could be privatised. I firmly believe we need to keep control of our own assets but work closely together. We will not go into the whole thing that happened last time.

You mentioned earlier about some of the aspects in terms of working together and getting a commitment for no changes until the alternative was provided. I think you are perhaps wrong in that, because the Bolsover wards have closed prior to any alternative coming forward. To be honest, and this is not a party political issue, it is something that I think was accepted by Health, they really did let people down. I attended the joint meeting in the Members' Room when there

were two Boards of the CCGs debating this and they gave such assurances which were then let down. I think you must have some concern about them.

The other point which I keep reiterating, is this Authority is the only part of the Health structure which has any accountability in terms of the public. We have all seen the position of the Chief Executives and the CCGs. I think the wording I said was that they had been “sacked”, but the wording was that their posts had been made “redundant”, which is a bit similar.

I come back to the point, it is important we have a voice here. We are an elected body and we should have a voice on how the STP and progression in Health takes place.

Councillor Hart responded the supplementary question as follows:

I would like to say I know you didn't particularly object to STP and a lot of it is to do with the budget. Yes, we would all like lots more budget, but we have to get on with what we have now. I have said that before.

The Bolsover case. Yes, it was closed after extensive consultation and yes, the ward closure was brought forward as the planned changes impacted on the retention of staff and DCHS were forced to close the Hudson Ward at Bolsover Hospital earlier than would have been planned, but it was worked out and we managed to find extra beds to move those people to. That was not our choice but we did try to help. We all do.

I have said before, we will try to ensure that there are places for people to go. We won't be closing wards. If circumstances change, if there are things that crop up, nobody can foresee some of the things, but the idea is that we will not do anything until we have places for people to go to and people to care for them.

The system, as I said earlier, is probably the right system. We are always going to have the cuts. We knew there are going to be problems, but it is by working together that we are going to solve those problems. I think we are starting to move forward. CCGs, yes they have been a problem. We have Chris Clayton in now and I am looking forward to his presentation tomorrow at the Health and Wellbeing Board. As I say, there are going to be problems, we know that, but I think it is working well. You heard that our 'bed blocking', as some people call it, is actually working really well. I think that is important, because at one time money was tied up and, if we didn't perform, there was a danger we would lose some money. Hopefully that threat has

gone away, but we are performing so the STP is starting to work, I think, but there is a long way to go. We will try and keep you informed, everybody informed as to what progress is being made. Anybody is welcome to attend the Health and Wellbeing Board to hear the updates.

**(3) Question to Councillor Mrs J Wharmby, Cabinet Member for Adult Care from Councillor P J Smith – Consultation on the Closure of Hazelwood Care Home, Cotmanhay – 14 September 2017**

The Council's current care home strategy was undertaken in 2015 when a substantial piece of work was done regarding all residential care homes including physical condition and fitness for purpose, Hazelwood was in the top 10 for all the criteria used. What has changed?

Councillor Wharmby responded as follows:

Costs at Hazelwood have escalated above and beyond anticipation in 2015 so the Cabinet rightly consider whether the level of funding required to bring Hazelwood up to its appropriate standard is a wise way to spend the public purse. Hazelwood was 9<sup>th</sup> out of 10 on that list.

Councillor Smith asked the following supplementary question;

Have you visited Hazelwood and had a look? Have you actually read the Scrutiny review in its entirety, because you made mention that it didn't look at the physical attributes of Hazelwood or any of the other residential care homes? It quite clearly does and, one of the recommendations that was presented to Cabinet and Cabinet agreed to, was "The Strategic Director of Adult Care will consider a more comprehensive refurbishment programme of the Authority's residential care homes". Can I ask you if you are satisfied that you need to go down this route? I cannot understand why you are extending the consultation period. If this is such an issue, it needs to be dealt with more quickly than extending it. Is this a tick box exercise that you are undertaking just to satisfy the needs of this Authority? We all know and are all aware that, under your previous administration, you were going to close down all residential care homes. Is this a stealth way of actually achieving that and picking them off one by one rather than being upfront with the residents of Derbyshire and being clear on what your proposals are?

Councillor Wharmby responded as follows:

Yes I have been to Hazelwood, Yes, I have read the Scrutiny Report. In our Manifesto we said we weren't going to close nursing



homes. It is circumstances that we have had to go into this consultation. It is a consultation. You are asking questions that can't be pre-empted, so I am very sorry, it is a consultation.

**(4) Question to Councillor Mrs J Wharmby, Cabinet Member for Adult Care from Councillor A Western – Consultation on the Closure of Hazelwood Care Home, Cotmanhay – 14 September 2017**

Why will the building work take two years to complete?

Councillor Wharmby responded as follows;

It will take up to two years because we will have to complete a wing at a time. Each wing will take up to six months to fully complete, including redecorating. The people in the next wing will then need to move into the completed wing before the work can start and so on and so forth as you go along, hence the timescale given for the completion is what we have said in the report.

Councillor Western asked the following supplementary question;

Will Councillor Wharmby undertake to make available all the property surveys in reviews undertaken since 2015, and the associated costings, including the information that will come from this new independent cost consultant, and will she also acknowledge in response to what Councillor Hart said earlier, that the reason why Derbyshire has such good performance in terms of hospital discharges, is because the Council has its own residential provision and its own Home Help provision, which allows people to be discharged from hospital? Also, what does she say to the people from Ilkeston when that facility will be lost to them?

Councillor Wharmby responded as follows:

Again I would have to just say that this is a consultation. Everything will be open. Everything will come to you. You will be able to see costings.

On the motion of Councillor B Lewis, duly seconded;

**RESOLVED** that the report be noted.

**83/17        COUNCILLOR QUESTIONS**

There were no questions to report.

**84/17      MINUTES OF MEETINGS OF COMMITTEES AND  
OTHER BODIES**

On the motion of Councilor Mrs L Chilton, duly seconded;

**RESOLVED** that the minutes of the following meetings be received:-

- (a) Regulatory – Licensing and Appeals Committee held on 11 September and 30 October 2017
- (b) Regulatory – Planning Committee held on 4 September, 9 October and 6 November 2017
- (c) Pensions and Investment Committee held on 6 September and 1 November 2017
- (d) Audit Committee held on 27 September 2017
- (e) Standards Committee held on 5 October 2017
- (f) Improvement and Scrutiny Committee – Resources held on 6 September 2017
- (g) Improvement and Scrutiny Committee – People held on 6 September 2017
- (h) Improvement and Scrutiny Committee – Places held on 14 September 2017
- (i) Improvement and Scrutiny Committee – Health held on 18 September 2017
- (j) Health and Wellbeing Board held on 30 August and 5 October 2017
- (k) Derbyshire Police and Crime Panel held on 14 September 2017.