

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL**  
held on 4 February 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, Mrs L M Chilton, D Collins, Mrs C M Cox, J A Coyle, R Davison, J E Dixon, P Dunn, S J Ellis, M Ford, J A Frudd, K Gillott, D T Greenhalgh, Mrs C A Hart, Mrs Janet A Hill, Ms Julie A Hill, R L Hosker, Mrs J M Innes, P Jones, T A Kemp, Mrs K D Lauro, B Lewis, D W Lomax, S Marshall-Clarke, W Major, D McGregor, R R Mihaly, C R Moesby, K P Morgan, C E Neill, J R Owen, R A Parkinson, Mrs J E Patten, Mrs I Ratcliffe, B Ridgway, P J Smith, S A Spencer, Mrs M Stockdale, Mrs J S Street, D H Taylor, Mrs J A Twigg, D Walton, Ms A Western, D J Wilcox, E S Wilcox, D A Williams, J G Williams and B Wright

**01/15      APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors A I Lewer, M V Longden and T Southerd.

**02/15      DECLARATIONS OF INTEREST**      There were no declarations of interest.

**03/15      CHAIR'S ANNOUNCEMENTS** The following announcements were made:-

- (1) Members of the Independent Remuneration Panel, Ian Orford, Pat Boyle and Denis Heaney were welcomed to the meeting.
- (2) The Brimington By-Election was to be held on 5 February.
- (3) The Derwent Valley Mills World Heritage Site team, working with Amber Valley Borough Council, had entered Belper in the Great British High Street Competition and had won not only the Market Town Category but were also the Winner of Winners. A presentation was made to Sukie Khaira and Adrian Farmer.
- (4) The Association for Public Service Excellence Most Improved Performer for Education Catering award had been won by the Council's Catering Service. on the 4 December 2014. Team members Tim

Blowers, Jane Stale, Zoe Williams, Mel Moore and Sue Upton were presented with the award.

(5) The presentation at agenda item 9 was brought forward on the agenda and was made immediately following the Report of the Leader (item 5).

**04/15      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 3 December 2014 be confirmed, subject to the list of members present being amended by the deletion of Councillor P Jones who had submitted his apologies for absence.

**05/15      REPORT OF THE LEADER OF THE COUNCIL**  
Councillor A Western, Leader of the Council, reported on the progress made on current major issues, notably the budget and the establishment of a Combined Authority, both matters which were the subject of reports to the meeting.

**06/15      PRESENTATION** Andrew Fellows of the Clay Cross Food Bank and Beverley Parker of Financial Action and Advice Derbyshire made a presentation on the Feeding Britain Project. The key findings and recommendations of the All Party Parliamentary Inquiry Group on Hunger and Food Poverty were noted and these would be considered by the Council.

Members were given an opportunity to ask questions and the Chair expressed the Council's thanks for the presentation made.

**07/15      PUBLIC QUESTIONS**

(1) Question from Mrs E Potter to Councillor P Smith, Cabinet Member for Adult Social Care. Mrs Potter was not present at the meeting and the Chair asked the question on her behalf.

The Council says in its press release of January 14th that Council staff are working extra hours to ease current local Health Service pressures. It goes on to say "Our social care staff are pulling out all the stops to support health colleagues dealing with an intense demand on their services... Our social care staff including home care workers, residential care workers, social workers are helping to put services in place to avoid hospital admission if possible and at the county's acute and community hospitals to support the discharge of people who are ready to leave". Then comes the key sentence: "We have been better equipped to support the winter pressures as a result of

having direct access to our own in-house residential, day and home care services, with our own staff being able to work more flexibly."

How can this good partnership-working continue if our own publicly-delivered, publicly-provided in-house Direct Care service is allowed to wither on the vine because of your devastating proposals to completely decimate it, and how do you justify taking Derbyshire people's choice away, giving them no option but to go to the private sector for care?

Councillor Smith responded as follows:-

What the council wanted to do was highlight the importance of being a publicly owned, direct care provider, which you know is significant in a county like Derbyshire. It is a real commitment by us as an Authority, and as a Labour Group, that direct care provision is an important element of what we do. We have 22 homes for older people, two Resource Centres with residential provision and two Community Care Centres providing coverage across all areas of the county. In the last five years, we have opened Community Care Centres, one at Staveley and one at Swadlincote. Two more will open this summer in Darley Dale and Heanor. Each one will provide a home for 32 older people, day care services and a range of other community facilities. We are working with partners to open soon six new Extra Care Schemes where DCC will provide 24/7 direct care domiciliary service response. In some of these Extra Care Schemes we will also have residential wings or day services.

We have no proposals to completely "decimate" this service. Instead we want to invest in it. We want to use this as a way of working with our health partners. If you look at what was happening around the time of the press release, there were critical incidents with hospitals not being able to discharge elderly people back into communities. The fact that we are direct care providers gave us that option. We took decisions where we kept beds free to provide a place for people to go to and we will continue to work with our health colleagues. I would like to pay tribute to the staff who drove this and who worked on this.

Mrs Potter has said "Please do not destroy or privatise our Council-run direct Home Care Home Help Service and older people's residential homes." I can assure you, as a Labour administration, that will not happen. We are facing unprecedented cuts, £157m, which is growing by the day and the length of time is increasing. One thing I have picked up is that this year, every Derbyshire household loses £97 in Government funding but, if you lived in Hampshire, it would only be £43. Is that fair?

Everybody should be joining together to get a fair funding deal for the residents and the communities of Derbyshire so we can protect vulnerable people and vulnerable communities. That debate will take place later but, I can assure you that, as the Cabinet Member for Adult Social Care, and with my team of Councillors Davison and Jones, we will be working with the Strategic Director, and the rest of the Adult Care staff, to do the best we can with the resources we have to provide support and help to vulnerable residents.

(2) Question from Mrs S Wells to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:-

The residents of the Hallowes Estate, Dronfield have many serious concerns regarding the lack of gritting in severe weather. Some of these are:-

Ambulances not being able to reach emergency calls,  
self-employed people not being able to access work,  
housebound people not receiving their care,  
people not being able to access important GP appointments,  
parents with children not accessing school,  
residents not being able to access shops and residents not receiving urgent post.

We speak on behalf of all residents of Hallowes, who believe the late gritting of Hallowes Rise, Shakespeare Crescent and Highgate Drive is putting the safety of pedestrians and motorists at risk and leaves residents with little or no access to main services. Can the Council explain what it intends to do to improve this situation?

(3) Question from Mr G Landman to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure:

During severe snow weather, some five hundred plus households on the Hallowes Estate, Dronfield, are left without access to basic services. Hallowes Rise has been classed as a secondary route on the current gritting system, which sees it gritted after all primary routes. This means, very often, that by the time Hallowes Rise gets gritted, it is too late. Hallowes Rise is a main road of difficult access both up and down as it is a long and very steep hill. It is used as a bus route and serves a large residential area. During the last snowfall, ambulances were known to have turned away, district nurses due to visit clients have not been able to access them and one particular resident sadly had to miss an important chemotherapy session. Over the years, residents have sent in many complaints about this issue. We are now presenting a petition signed by residents of Hallowes asking the County Council to consider

a review of the gritting system which would include Hallowes Rise, the main artery of Hallowes Estate, on to the primary gritting route.

Councillor Collins responded to Questions (2) and (3) as follows:-

This is our second winter and this is the first winter where we have had isolated incidents in snowy conditions. The current gritting routes were set under the previous administration and, up until this winter, we did not have major problems. Obviously you have highlighted this today and the local District Councillor emailed Mike Ashworth last night with similar concerns. We will be doing an annual review after the winter. We do it annually anyway but I will be keeping an eye on this one since this has been raised with myself.

I am also aware that the estate does not yet have any snow wardens. We will do another drive to try and encourage people to become snow wardens, which will help. There are six grit bins on the estate which, if you can highlight when they need refilling, we can get out and fill them.

As for missed appointments etc, in snowy conditions, the County Council will, via the Call Centre, assist with urgent medical appointments or any prescriptions that need fetching. Again, if you can pass that on into the community but I will try and get that out in a press release.

Mrs Wells asked a supplementary question as follows:-

Can you also explain why gritters go by without leaving any grit and how much money is actually saved in not gritting the Hallowes Estate?

Councillor Collins responded as follows:-

All our gritters concentrate on the primary network first and then drop on to the secondary. We have VMS on the vehicles that track when we are gritting, so if you can get some dates when they have come past with no grit dropping and forward those on to Mr Ashworth, we will make sure we get a reply to you.

Mr Landman asked a supplementary question as follows:-

What will be the timing of the annual review? Will the residents be notified of the outcome and hopefully Hallowes Rise will be included?

Councillor Collins responded as follows:-

It will be straight after March, at the end of winter. In the meantime, we are going to be asking local farmers and contractors in the area if they

can pick-up Hallows Rise. We will make sure that you get a reply to your petition.

(4) Question from Ms E Edwards to Councillor P Smith, Cabinet Member for Adult Social Care:-

As Derbyshire County Council will be receiving £4.4m for the implementation of the Care Act I would like to know how this money will be used to improve independence and wellbeing?

Councillor Smith responded as follows:-

The Council has received £4.5m in funding from Central Government for 2015/16 to assist with the implementation of the Care Act. This money has been notionally allocated by Central Government to help with the introduction of four new statutory duties. Only some of this money is specifically provided to help with independence and well-being. Councils can determine the balance of spending between these four new duties and these new duties are: the assessment and provision of services to prisoners with care and support needs; the early assessment of clients who may be eligible for care accounts from April 2017; the deferred payment scheme (this scheme enables clients going into a care home to not sell their house during their lifetime) and the last one is support to carers.

Officers are now determining how best to use this funding for 2015/16 and more information will be available in due course. This will include additional staffing to deal with the increased demand on assessments and also increased spending on clients and carers to support independence and well-being.

Ms Edwards asked a supplementary question as follows:-

As most of you are probably aware, Derbyshire Community Transport has many years of improving independence and well-being. I just wondered if Derbyshire Community Transport could be involved in the implementation of the Care Act?

Councillor Smith responded as follows:-

I am not sure if it meets that requirement or that need. We will investigate if that is the case and we will talk to you in due course. We are investigating where it can be used, I am not sure if community transport will meet that need.

**08/15**  
received.

**RECEIPT OF PETITIONS**

No petitions had been

**09/15**

**REVENUE BUDGET 2015/16**

The Chief Executive and the Director of Finance reported to Council on proposals regarding the Revenue Budget for 2015-16.

The report presented detail in respect of the 2014-15 Budget, the Autumn Statement and Provisional Local Government Finance Settlement, Council Tax Base and Collection Fund, Council Tax, Business Rates, pay and price inflation, contingencies, budget reduction targets, the Derbyshire Challenge, service pressures, risk management budget, statutory requirements of the Local Government Act 2003, the Five Year Financial Plan and consultation.

When setting the budget, the Council must be mindful of the potential impact on service users. In particular, Section 149 of the Equality Act 2010 imposes an obligation on Members to have due regard to protecting and promoting the welfare and interests of persons who shared a relevant protected characteristic. The consultation exercises which had been undertaken in the preparation of the 2015-16 budget were relevant in this respect, as was the Community Impact Assessment detailed in the report.

Cabinet had considered this matter at its meeting on 27 January 2015 and recommendations were made to Council.

The Director of Finance advised that the Council was still awaiting written confirmation of the collection fund amounts from some of the district/borough councils. This would not affect the level of the Band D amount of Council Tax or the precepted amount, but could give rise to a change in the collection fund surplus to that shown in Appendix 2 of the report. Any changes would be managed through the Council's Risk Management budget.

It was moved by Councillor Ms A Western, duly seconded, that the recommendations set out at (i) to (xi) be approved.

The report was debated.

It was moved by Councillor S Ellis, duly seconded, that the Council should accept the Council Tax Freeze Grant and not increase Council Tax.

The Director of Legal Services advised that the Council's Standing Orders required that no motion or amendment to propose a

precept shall be considered unless it contains sufficient detail within it to justify the precept moved. In determining whether or not a particular motion or amendment was in order, the Chair shall have regard to advice of relevant officers, information available within the motion or amendment and any other relevant matter.

The Chair adjourned the meeting in order that he may take the advice of relevant officers.

Having reconvened, the Chair advised Council that he ruled Councillor Ellis' amendment out of order.

The Chair reminded Council that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 made it mandatory for councils to have recorded votes on the issue of precepts.

**RESOLVED** that Council:

- (i) notes the details of the Autumn Statement and Provisional Local Government Finance Settlement as outlined in sections (b) and (c).
- (ii) notes the Government's expectations about Council Tax levels for 2015-16 in section (d).
- (iii) notes the details of the Council's consultation activity as outlined in section (m).
- (iv) notes the Director of Finance's comments about the robustness of the estimates and adequacy of the reserves as outlined in section (k).
- (v) approves the precepts as outlined in section (d) and Appendix 2.
- (vi) approves that billing authorities are informed of Council Tax levels arising from the budget proposals as outlined in section (d) and Appendix 2.
- (vii) approves the contingency to cover non-standard inflation as outlined in section (g). The contingency to be allocated by the Director of Finance and the Chief Executive once non-standard inflation has been agreed.
- (viii) approves the level and allocation of budget cuts as outlined in section (h) and Appendix 4.
- (ix) approves the service pressure items identified in section (i) and Appendix 3.



(x) approves the Council Tax requirement of £264.853m, calculated as follows:

	£
Budget Before Pressures and Budget Reductions	527,243,975
Plus Service Pressures - on-going	8,275,223
Plus Service Pressures - one-off	6,052,000
Less Budget Reductions	-45,050,198
<b>Net Budget Requirement</b>	<b>496,521,000</b>
Less Top-Up	-85,742,726
Less Business Rates	-16,704,826
Less Revenue Support Grant	-92,293,448
Less New Homes Bonus	-2,224,288
Less Local Services Support Grant	-998,936
Less General Grant	-16,565,857
Less PFI Grant	-10,503,833
Less Use of General Reserve	-6,634,000
<b>Balance to be met from Council Tax</b>	<b>264,853,086</b>

(xi) authorises the Director of Finance to allocate cash limits amongst Cabinet portfolios; Strategic Directors will then report to Cabinet on the revised service plans for 2015-16.

The vote on the motion was recorded as follows:-

For the motion (41) – Councillors D Allen, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S Brittain, Mrs D W E Charles, D Collins, Mrs C M Cox, J A Coyle, R Davison, J E Dixon, P Dunn, S Freeborn, J A Frudd, K Gillott, D T Greenhalgh, Mrs Janet A Hill, Ms Julie A Hill, R L Hosker, Mrs J M Innes, P Jones, Mrs K D Lauro, S Marshall-Clarke, D McGregor, R R Mihaly, C R Moesby, C E Neill, J R Owen, Mrs I Ratcliffe, B Ridgway, P J Smith, Mrs M Stockdale, Ms A Western, D J Wilcox, E S Wilcox, D A Williams, J G Williams and B Wright.

Against the motion (15) – Councillors K Buttery, Mrs L M Chilton, S J Ellis, M Ford, Mrs C A Hart, T A Kemp, B Lewis, D W Lomax, W Major, R A Parkinson, Mrs J E Patten, S A Spencer, Mrs J S Street, D H Taylor, and Mrs J A Twigg.

Abstained (3) – Councillors Mrs E Atkins, S J Bradford and K P Morgan.

**10/15 FIVE YEAR FINANCIAL PLAN** The Director of Finance presented the Council's Five Year Financial Plan to Council which had been revised and updated for the period 2015-16 to 2019-20.

The Plan supported corporate planning and shaped the Council's financial strategy and annual budgets by establishing what resources were available for allocation to service priorities contained within the Council Plan. The last full version of the Plan was approved in September 2013 and it identified the need for significant savings in the medium-term. In July 2014, the Plan was provisionally updated to cover the period 2014-15 to 2018-19. The full version of the Plan had now been rolled forward again to cover the period 2015-16 – 2019-20. The Plan had been revised, where possible, to reflect the latest funding announcements contained within the Provisional Local Government Financial Settlement 2015-16, the Chancellor's Autumn Statement and included updated assumptions on pay and price increases, levels of budget reductions and receipts from Government grants and Council Tax. The updated Plan brought together current views on the level of savings that were anticipated to be needed through to 2019-20, details of which were presented in the table below.

### **Cuts made to date, and future cuts required in the plan**

	<b>Year</b>	<b>Cuts £m</b>	
Actual	<b>2010-11</b>	10.120	} Reductions already removed from budget = £125.244
	<b>2011-12</b>	35.399	
	<b>2012-13</b>	25.000	
	<b>2013-14</b>	24.840	
	<b>2014-15</b>	29.885	
Forecast	<b>2015-16</b>	45.051	} Reductions proposed in revised FYFP = £146.098
	<b>2016-17</b>	41.455	
	<b>2017-18</b>	19.250	
	<b>2018-19</b>	21.210	
	<b>2019-20</b>	19.132	

Whilst the Government had announced details of the Revenue Support Grant and allocations only as far as 2015-16, austerity measures were expected to continue until at least the end of the decade. Therefore, an assumption of a 10% cut in Revenue Support Grant each year was assumed from 2016-17, pending the announcement of the next Spending Review, which was unlikely to take place before Autumn 2015. A copy of the updated Five Year Financial Plan was attached at Appendix 1 to the report.

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

**RESOLVED** to approve of the revised Five Year Financial Plan.

**11/15      PRUDENTIAL CODE FOR CAPITAL FINANCE, CAPITAL PROGRAMME APPROVALS AND TREASURY MANAGEMENT**

Approval was sought to proposals relating to the Prudential Code for Capital Finance including:-

- The Capital Starts Programme for 2015-16
- The minimum revenue provision (MRP) policy for 2015-16
- A Treasury Management Strategy for 2015-16
- Compliance with and set limits under CIPFA's Prudential Code and the Treasury Management in the Public Services: Code of Practice and Cross Sectoral Guidance Notes.

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

**RESOLVED** to approve (1) the adoption of the Prudential Code, including the Prudential Indicators as described in paragraphs 2.5, 2.6, 2.8 and 2.12 – 2.16 in the report;

(2) the 2015-16 Capital Starts Programme as detailed in Appendix 1 to the report and that further reports on the detailed schemes be brought to Cabinet;

(3) the MRP policy for 2015-16 as detailed in paragraph 2.10 of the report;

(4) the Treasury Management Strategy for 2015-16 as described in Appendix 3 to the report and taking into account guidance issued by the Department for Communities and Local Government as described in paragraph 9b and noting changes in 2.18; and

(5) the adoption of CIPFA's Code of Practice on Treasury Management and Cross-Sectoral Guidance Notes (Revised 2011) as shown in Appendix 3 to the report and the Treasury Management Policy Statement as specified in the Treasury Management Code of Practice and also set out in Appendix 3.

**12/15      PROPOSAL TO CREATE A DERBY AND DERBYSHIRE COMBINED AUTHORITY**

The report set out the outcome of the recent governance review and details of the resulting proposal to create a Derby and Derbyshire (D2) Combined Authority (CA). The strategic policy context was reported along with the current arrangements that existed in the D2 area.

There was now a significant opportunity for the D2 area and the wider D2N2 LEP region to put forward its own vision for growth and

devolution which built on the existing economic strengths and assets, maximising the latent potential for growth and ensuring Derbyshire residents benefit from increased prosperity.

A key area of work for the D2 Joint Committee over the last 10 months had been to undertake a governance review to determine whether the existing arrangements for economic development, regeneration and transport in Derbyshire were delivering the best results. The review had been undertaken within the context of current policy and the aspirations of national government to devolve powers and resources to strong local governance structures; it was carried out under Section 108 of the Local Democracy, Economic Development and Construction Act, 2009 and the Transport Act, 2008.

A simple, but robust review process was established which addressed three fundamental questions - Where are we now, where do we need to be and how are we going to get there? The purpose of the review had been to evaluate the effectiveness and efficiency of existing governance arrangements for economic development, regeneration and transport across the D2 area and test the scope for improving the economic conditions of the area; these were the statutory tests required to be applied. Work involved evaluating current economic performance and considering options for strengthening local governance.

The review sought to recommend which future option was likely to be most beneficial to strengthening the overarching governance arrangements across the wider D2N2 LEP. The Governance Review Report set out a detailed account of the current economic conditions across the D2 area, evaluated the existing Joint Committee and wider LEP governance arrangements and considered the potential options for improvement. It concluded that a Combined Authority for D2 presented the best option for “positively impacting on the economic conditions of the D2 area, and also in providing the best opportunities for improved efficiency and effectiveness of delivery in transport and economic development”. This conclusion complemented the findings of the current N2 review which, together, ensured the wider D2N2 LEP would benefit from strengthened governance, attracting greater freedoms, flexibility and funding from Government.

Arrangements for the future operation of the CA were set out. The D2 CA would be a decision-making and accountable body responsible for developing, agreeing, implementing and monitoring D2-wide strategies; clear programmes of activity and funding; and specific delivery projects. Specific roles and responsibilities of the D2 CA in relation to programmes and funding would link to the LEP-wide Single Assurance Framework and role of the LEP’s Accountable Body.

As part of the governance review, the current D2 Joint Committee had undertaken a process of engagement with key stakeholders from across and outside the area. A major consultation exercise had been undertaken between to test local support of the proposal to create a D2 CA and the proposed ambitions. The outcome of this was reported which confirmed overall support for the proposal.

Cabinet had considered this matter at its meeting on 3 February and agreed the proposals subject to them being endorsed by Council.

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

**RESOLVED** that Council endorses the decision taken by Cabinet on 3 February 2015 to submit to Government a scheme for the establishment of a Derby and Derbyshire Combined Authority.

At the request of at least 5 Members, a recorded vote was taken and recorded as follows:-

For the motion (49) – Councillors D Allen, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, 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 Ellis, M Ford, S Freeborn, J A Frudd, K Gillott, D T Greenhalgh, Mrs Janet A Hill, Ms Julie A Hill, R L Hosker, Mrs J M Innes, P Jones, T Kemp, Mrs K D Lauro, B Lewis, D McGregor, R R Mihaly, C R Moesby, K Morgan, C E Neill, J R Owen, Mrs J Patten, Mrs I Ratcliffe, B Ridgway, P J Smith, Mrs M Stockdale, Mrs J Street, Mrs J A Twigg, Ms A Western, D J Wilcox, E S Wilcox, D A Williams, J G Williams and B Wright.

Against the motion (2) – Councillors D Lomax and W Major.

Abstained (6) - Councillors Mrs E Atkins, Mrs L Chilton, Mrs C A Hart, R A Parkinson, S A Spencer and D Taylor.

**13/15**      **PAY POLICY STATEMENT**      Section 38 of the Localism Act 2011 required local authorities to produce a pay policy statement for each financial year. The Pay Policy Statement also complied with the Code of Recommended Practice for Local Authorities on Data Transparency 2011 which required the publication of certain pay data and defined senior employees' pay as those who had an annual salary of £58,200 (FTE) and above.

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

**RESOLVED** that the Pay Policy Statement be approved.

**14/15      WAIVER OF CALL-IN PROVISIONS**  
of Councillor Ms A Western, duly seconded,

On the motion

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

**15/15      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 2 and 23 December 2014 and 20 and 27 January 2015.

A question had been received from Councillor Mrs E Atkins to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure relating to the Cabinet meeting on 20 January 2015 – Change to School Crossing Patrol Service:-

Will the DCC Cabinet Member for Highways give serious consideration to reducing the speed limit to 20 mph in sections of carriageway near all schools, extending it to include places which are identified where large numbers of school foot travellers have to cross roads on a daily basis? Given the proposed reduction in crossing patrols, applying a 20mph limit around schools and at regular school access crossing sites across the county might help trigger an advanced warning to motorists to watch out for children and lead to a general reduction in speed and accidents. This action would also make it safer for crossing patrol leaders, walking buses and parents taking children to school.

The town centre in New Mills has a 20mph speed limit. Would it be possible to extend such limits to more village and town streets to support the reduction of traffic accident figures?

Councillor Collins responded as follows:-

Unfortunately, Derbyshire Constabulary will not support us in enforcing 20 mph speed limits so this would be ineffective. However, around schools, we have numerous school safety zones which we will and are looking at rolling out over the coming years in the Capital Programme Spends. Again, in town centres we cannot get the police to enforce the 20 mph as they won't enforce 30s. Again, we will ask them the question and see what we get back.

Councillor Atkins asked a supplementary question as follows:-

Does the Cabinet Member not support the '20 Is Plenty' campaign that suggests that, at 20 mph, injuries may be sustained, whereas at 30 mph a fatality may occur?

Councillor Collins responded as follows:-

Again, '20 Is Plenty', as I have just said, the Police won't enforce it. We can support it all we want, actually getting them to enforce it would be consultation spending, to go out and consult, getting the public on board with it for the police then not to be able to enforce it. We will ask the question of the police to enforce it if we decide to go down that route but at the moment, we are getting back from the police that they will not enforce 20 mph zones.

On the motion of Councillor A Western, duly seconded,

**RESOLVED** that the report be noted.

## **16/15      COUNCILLOR QUESTIONS**

(1) Question to Councillor D Allen, Cabinet Member for Health and Communities from Councillor Mrs J E Patten:-

I bring to Council's attention the health and safety dangers to people, property and livestock of Chinese Lanterns, which are increasingly popular. Will the Cabinet Member support, through his office, banning the launch of Chinese Lanterns from DCC owned properties and to request Trading Standards to advise traders of the risk these lanterns pose to people, animals and property when they can fall to earth, sometimes still hot or flaming, to land on farm and other buildings, and also the risk of ingestion and injury, sometimes death to animals from the wire frames? I know this request to you would have the support of the Fire Authority, NFU, RSPCA, CAA and other agencies across the country.

Councillor Allen responded as follows:-

I was aware of the event that happened, the fire at Hilton and obviously concern for people and the Fire Service. Chinese lanterns are becoming very popular and they can potentially cause hazards as you implied to farm animals, other animals and property obviously. I understand some Authorities have banned them but, at this stage, I am not of a view that they would be able to enforce it or feel it possibly necessary.

There is a copy of the Code of Practice which I don't know if you have, I can certainly get you one to look at. Trading Standards ought to bring the Code's attention to people in Derbyshire about both importing and selling lanterns. There have been no complaints received by Trading Standards about Chinese lanterns. You may know that the Secretary of State has power under the Consumer Protection Act to ban such products and, if you feel serious about that, then perhaps you will take that up with the Government to see if they are prepared to make them illegal.

A supplementary question was asked as follows:-

I certainly will be taking it up with my local MP to take that forward. However, to-date we have 27 Councils which have actually banned the use of Chinese lanterns on their land, including near to my area, Staffordshire, which have banned them. Councillor Allen hasn't really given me a good enough reason why we are not going to look into this.

We have had the recent fire in Hilton which damaged two properties and that is just one incident we have heard about. The other incidents with farm animals, one of my colleagues here is a farmer and the danger to livestock and from other farmers in the area who have reported back. There is nothing worse than a cow which has actually eaten one of these Chinese lanterns. It might sound hilarious but let me assure you it isn't. They ingest the wire and it causes a very slow and painful death. Farmers don't usually come forward to complain about these very often but I can assure you that in our rural areas it is very common and also the risk of fire to hay bales and other such things.

If you look on the Telegraph, responses to Chinese lanterns and should we ban them, the Twitter response was absolutely, there is absolutely no question of that.

We have mentioned earlier today about Peak Park and our beautiful Peak Park. It only takes one of these Chinese lanterns to set fire to areas there. I do feel that the Council is being complacent in its attitude towards Chinese lanterns. It is an absolute issue of safety. It is supported by the Police and the Fire Authority and I would ask that you actually respect the views of our residents and our farming communities who we represent and ban them.

Councillor Allen responded as follows:-

I think the majority of land is in private ownership and the Council's land is presumably small in terms of farms. It is interesting to see what other farmers are doing to stop them.



I think the important point is, I am not complacent about it, it is an issue and I think we need to look at the evidence, but certainly I think the Government, through the Consumer Protection Act, as I mentioned earlier, has the power to ban them and that would have a much greater effect than saying we will try and ban them, trying to maintain that. We will certainly look at the policy of what is happening around and consider it further.

(2) Question to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure from Councillor S A Spencer:-

Despite Labour manifesto commitments to Winter gritting, Labour is about to remove some £2.2m from the budget. This will be made up of a £200,000 cut to the budget for gritting plus the removal of the totality of the reserve of £2m, overall a cut of around 55% of the budget. Given that as of about a week or so ago the local authority was almost £1m into that reserve, significantly more by now presumably, for dealing with the recent cold weather and with more cold weather predicted this winter, could he tell the people of Derbyshire how he plans to justify this?

Councillor Collins responded as follows:-

I do believe that in 2010, you removed £2m from the budget. There is no proposal by this Labour controlled Authority to remove £2.2m from the gritting budget. The proposal is £200,000 of efficiencies on new salting techniques and efficiencies around reorganising of the routes.

At no point have we said we are taking £2m out. There is a one-off reserve of £2m, of which this will be the first year we will spend it. Our commitment as a Controlling Group is we will spend on winter gritting what needs to be spent.

A supplementary question was asked as follows:-

I understand the challenges you face and I understand the significant challenges faced by our service delivery of winter services. I am asking a very straightforward question. My understanding from conversations with you and officers is that the £2m reserve budget that is in place at this moment in time, is going to be removed and we are going to draw from the overall reserves of the Authority.

Now I heard from Mr Handford at the Cabinet meeting, and Mr Handford takes a very prudent measured approach to these things, that we have earmarked reserves for specific reasons of risk management. May I suggest today I believe retaining that £2m specific reserve for risk

management of winter services is a particular need. I would urge you today to continue to do that. I know you are going to spend it this year, that is nothing new. We have overspent for year on year on year significantly depending on the weather conditions. People believe that with weather conditions, snow is the only issue, it is the preventative measures the Authority has to take which are the big issue and to carry on preventative measures I believe it is essential to retain that specific earmarked reserve and I would request you to do so today.

Councillor Collins responded as follows:-

We have said, as a Controlling Group, if the winter gritting costs £4m, £4m will be found. The £2m you are talking about is a one-off reserve. Whether it is in Corporate or in my department is irrelevant. We are saying categorically as a Controlling Group, if winter gritting costs £4m, £4.5m, we will put £4m/£4.5m in. I will reiterate yet again, we are not cutting £2m. If I take £2.2m out of my budget I am asking Mr Handford for £100,000 back because our budget is £2.1m.

(3) Question to Councillor A Western, Leader of the Council and Cabinet Member for Strategic Policy, Economic Development and Budget from Councillor B Lewis:-

Given the County Council received grants of £480m in 2009/10 financial year and £495m in 2015/16, could the Leader explain where the 'devastating cut' is?

Councillor Western responded as follows:-

This is a question that is so naïve it is really quite frightening. Basically it is saying that because the numbers are more or less the same there has not been a cut, has there? That is very similar. I think this is the sort of Tory Party School of Spin isn't it because it is very similar to what the Prime Minister is saying at the moment about school budgets in the future by saying that the cash amounts per pupil that schools get at the moment will be continued for the next five years if, God forbid, we get another Conservative Government. People have been very quick to point out to Mr Cameron that that is in effect a 10% cut because you can't keep the amount of money the same over a five year period without it being a cut because you are not factoring in inflation, and that is basically the answer to this question.

Keeping it brief, if this Council had been funded in the years since 2009/10 on the basis that we were in 2009/10 the budget we would be setting this coming year would not be £495m it would be £651m. That is where the devastating cut is. It is simple economics. It is really quite troubling that you don't get it, but there you go.

A supplementary question was asked as follows:

That is an interesting figure indeed. Isn't it strange then that we are able to deliver all these services and the feedback we get back from the general public is that - this is not just us as a local authority but other local authorities nationwide - that the services we deliver as local authorities have improved whilst we have made these devastating cuts. I will just throw that into the mix.

My question would lead on to this, it is very simple at the risk of sounding patronising and I don't mean to be, I just hope you take it the way it is meant: is there or is there not £15m more in this year's budget, this coming year's budget than there was in the 2009/10 budget?

Councillor Western responded as follows:-

The numbers look the same, don't they? The numbers look very similar. The numbers are £15m apart, but we are talking about in that six year period funding for price inflation that has not been funded. We are talking about pay increases (when staff have had a pay increase) that has not been funded. We are talking about a demographic demand that is increasing through the roof for older people's care and for families under pressure that has not been funded. We are talking about funding for new responsibilities in a way that we discussed earlier that have been placed on us that has not been funded. We are talking about ring-fenced grants that were funded that have been taken away and are now not funded, but we have still got the responsibility to deliver. We are talking about the new Homes Bonus that has been top-sliced that has cost this Authority £8.9m that is no longer funded. We are talking about the Care Act, which Councillor Smith raised earlier, which we have £4.4m finger-in-the-air funding that could cost us a lot more, not been funded. We are talking about the Council Tax Freeze Grant that you took that is £12.6m of funding commitments that could disappear in future years because it won't be funded in the future. That is where the gap is. You can't compare. It is like saying in the 1930s we got that amount of funding and now we have so much more aren't we doing well? Costs increase. Costs increase, demand increases, services need to keep pace with that and that is where the discrepancy is.

I think you are referring back to some research that was done a few years ago. I think it is absolutely right that people have confidence in local government, and rightly so, but people also are protesting very vigorously when there is any suggestion of services being cut in the way that we are having to cut to manage with this funding gap here. This is what I mean about inconsistency in your thinking. One day you are

saying we are “dithering”, the next day you are saying there isn’t a problem we should not be making any cuts at all. It makes no sense, Councillor Lewis, and the figures there speak for themselves.

Are you saying that this Council and every other Council have imagined these cuts? Are you saying that your Conservative colleagues in other places have imagined these cuts? It sounds like you are but you can’t have it both ways. You can’t say we need to cut harder and faster and then say we shouldn’t be cutting at all.

(4) Question to Councillor A Western, Leader of the Council and Cabinet Member for Strategic Policy, Economic Development and Budget from Councillor K Buttery:-

When Departmental spending, in the 3 years to March 2016, is to drop by an average of around 4% per annum, reserves remain at over £200m. How can the Leader refer to the Budget having been "slashed over recent years" and portray a position of unprecedented financial hardship?

Councillor Western responded as follows:-

I don’t know if you have had chance to read the Reserves report that went to Cabinet yesterday? I think maybe it is a good thing if you do because that explains very clearly why the reserves are at the level they are at, earmarked reserves. The biggest single figure in earmarked reserves is the increase in schools’ balances. Schools’ balances stand now at something just below £70m. That is unprecedented. As I say that is the biggest single figure in the earmarked reserves.

The general reserve figure, again if you look at that report you will see that the general reserve figure is planned to come down significantly over the next few years, so rather than spend the reserves now sustaining services at this level and then drop off the cliff edge in a few years’ time the reserves are planned to make it a smoother landing than that. We have to do that because we are in a situation where we don’t know when these cuts will end. If we did we could operate a different policy but we don’t know when these cuts will end, so it is about trying to protect - in the way Councillor Morgan referred to earlier - trying to protect some of the most vulnerable services in the future for as long as we can.

I am very grateful to my colleague, Councillor Mihaly, for referring me to this excellent publication, *Public Finance*, I think I will take a subscription out. I just want to read you something that is in here. This

is not me - this is interesting you will learn from this - this is not me saying this, this is the Chief Executive of CIPFA, the Chartered Institute of Public Finance and Accountancy. He says:

“For the avoidance of doubt CIPFA’s guidance to chief financial officers is clear that at a time of increasing financial risk a Council making cuts should also increase reserves to reflect the greater volatility of its budget. If it wishes to be taken seriously as an authoritative non-partisan voice, DCLG should promote prudence and not claim that one-off spending of reserves could solve on-going budget pressures.”

That is it from the horse’s mouth. That is why schools’ reserves are increasing as well because schools can see tough times coming and they are doing what any sensible organisation would do: that is putting money aside while they can to see them through the difficult times ahead.

A supplementary question was asked as follows:-

I think the only thing for me is the fact we have gone through all the budget and we have had all the facts and figures and we have had all the spin. I have always found it amazing how we can all look at exactly the same figures and all come up with our own views as to what it actually says. I think it is important for me from my own point of view and for the public’s point of view to go through the facts because yes, the Council has lost 27% of the Revenue Support Grant, that is a fact, and yes it is a fact that we have had additional Government funding, Public Health £35m which was used for topping up other services and still have £6m in reserves. We have the Better Care Fund with £61m. The simple reason is you look at the Revenue spending power figures which we have debated, £551, and it is about the same this year. Okay, I will not go into the LGA figures because obviously you don’t like people mentioning the fact that we get £378. We constantly hear in every report or read in every report and get the mantra of £157m. The question is this: how much of that £157m is an absolute figure, that is in real money, pounds, shillings and pence and how much is forecasted costs relating to inflation and forecasted service pressures which may or may not have happened? What is real and what is accountancy because the public would like to know?

Councillor Western responded as follows:-

The £157m, which is not the subject of the initial question, that comes from the Five Year Financial Plan which has been calculated on a consistent basis across our administration and your administration according to the accounting conventions that are stuck to by all local authorities across the country, as far as I am aware. For future years

some of them are based on assumptions but those assumptions are made very clear in the report, the Five Year Plan report. They are consistent now with the assumptions that your administration made previously, so we are not over-egging this figure, if that is what you were leading to. It is consistently calculated across all administrations. That gives a reflection, the best reflection of what we estimate the future cuts will have to be. That is accountancy whether you like it or not.

Going back to the initial question about reserves though, I would just like to take this opportunity to flag up something that has come to me under the wonderful Freedom of Information Act that goes back. It goes back to the inconsistency there is that comes from the Benches over *there*. It is a quote from the previous Leader of this Council who should be here today but clearly isn't. It is a quote from a letter that he sent to Eric Pickles, Secretary of State, to plead with him to stop raising the issue of reserves. I am quoting here. He said:

"Highlighting just the headline reserves is playing into the hands of our local Labour Opposition and the Trade Unions. Clearly it is the economics of the mad house but they both constantly claim that we can use one-off reserves to avoid the budget reductions."

So even your former Group Leader, the former Leader of this Council would argue against using reserves to fund one-off support for services. It is not sustainable. He even goes on to say:

"Anything you [Mr Pickles] can do to clarify our detailed reserves' position would be much appreciated as this would materially help us to thwart the Labour Opposition and in due course maintain control of the county."

So that was a plan that worked well then.

(5) Question to Councillor A Western, Leader of the Council and Cabinet Member for Strategic Policy, Economic Development and Budget from Councillor S Ellis:-

Why has the Better Care Fund, a projected £61.489m, been included in the budget paper but not in the budget. Will these monies not be spent by DCC itself?

Councillor Western responded as follows:-

I think this is more of a technical question actually than it is a political question but I will give you the answer as it has been explained to me.

The Better Care Fund is a budget that comes into the Council and then goes out again so the net effect of it is zero across the year. It is not shown because it has been netted off. It is very similar to the Public Health budget. It is very similar to schools' budgets which come into this Authority and then go out again and they are not shown in the budget either. That is the answer to that.

In terms of will this money be spent by DCC, no, by and large it has been spent by the Clinical Commissioning Groups.

A supplementary question was asked as follows:-

It does raise a slightly interesting point, although I am sure people will groan when I say about revenue spending power, but if we take the £61.5m and add it to the current budget, a Council Tax increase which takes us £2m more than the Government had included in its revenue spending power and £2m of monies which we have just been informed we will be receiving takes us to a figure of £561.5m. Would the Leader agree in terms of total revenue spending power that is actually £10m more than last year?

Councillor Western responded as follows:-

The Better Care Fund is money that is coming in and going out for specific additional responsibilities. Some of it, if not all of it is not new money anyway. I think the question is really a bit irrelevant. If you want a fuller answer to that I would suggest that we either discuss it outside the meeting or discuss it with Mr Handford and get a better understanding of it. I think you are mixing a number of things together that don't necessarily go together.

(6) Question to Councillor A Western, Leader of the Council and Cabinet Member for Strategic Policy, Economic Development and Budget from Councillor B Lewis:-

Will the Leader explain why her administration will be raising Council Tax for Derbyshire residents, especially in light of the, as her Party expresses it, 'the cost of living crisis' being something that affects them?

Councillor Western responded as follows:-

We have already debated this multiple times but for the sake of putting it on the record I will say it again. It is not just this Council that is considering and now actually approved a Council Tax increase it is Councils across the board. It is the majority of County Councils of all political persuasions that are having to do this, not because they want to but because they need to avoid further cuts to services.

The issue about the cost of living crisis we are very much aware of the impact. We have had a presentation earlier on - it feels like several days ago now but it was only this afternoon - a presentation about the impact that the cost of living crisis is having on Derbyshire families and the extent of that, but I will say to you that the real cause of the cost of living crisis is not an increase in Council Tax, it is about job insecurity; it is about zero hours' contracts; it is about low pay; it is about the cost of energy bills rising; it is about the cost of food rising; it is about a VAT increase that this Government applied that they said they never would and then did it. I have been given a calculation by my colleague here that says "Don't describe it as a 2.5% increase in VAT because actually it is a 14% increase" because that is what it is if you work it out on the base of 17.5%. A massive increase in VAT. They are the things that are affecting families and the cost of living crisis. If we cut Council services further than we need to that only compounds the problem so we are taking a balanced view, as are a lot of your Conservative colleagues, and I would implore you again to consider your position, to get off the fence and start saying to your Government in the way that some of your Conservative colleagues up and down the land are doing, "That is enough now." You have said it in this Chamber today that you think the share of the burden on local services is too much. Say it publicly because I think you will get respect from the people of Derbyshire if you do.

There was no supplementary question.

**17/15      MINUTES OF MEETINGS OF COMMITTEES AND**  
**OTHER BODIES**

On the motion of Councillor S Freeborn, duly seconded,

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

- (a) Regulatory – Licensing and Appeals Committee held on 19 January 2015.
- (b) Pensions and Investment Committee held on 17 December 2014
- (c) Standards Committee held on 14 January 2015
- (d) Audit Committee held on 9 December 2014
- (e) Improvement and Scrutiny Committee – People held on 26 November 2014
- (f) Improvement and Scrutiny Committee – Places held on 17 September and 10 December 2014
- (g) Improvement and Scrutiny Committee – Health held on 15 September and 1 December 2014
- (h) Improvement and Scrutiny Committee – Resources held on 25 September and 18 December 2014



- (i) Improvement and Scrutiny Management Committee held on 24 November 2014
- (j) Health and Wellbeing Board held on 9 October 2014
- (k) Derbyshire Police and Crime Panel held on 20 November 2014.
- (l) Derbyshire Fire and Rescue Authority held on 25 September 2014.
- (m) D2 Joint Committee for Economic Prosperity held on 6 November and 2 December 2014.