

**MINUTES** of the meeting of the **DERBYSHIRE COUNTY COUNCIL**  
held on 5 December 2012 at County Hall, Matlock

**PRESENT**

Councillor G D Wharmby (in the Chair)

Councillors D Allen, J A Allsop, Mrs S M Allsop, Mrs E Atkins, Mrs G Birkin, , Ms S L Blank, Mrs M W Booth, D Bowley, S J Bradford, W Burrows, D Chapman, A F Charles, Mrs C M Cox, J A Coyle, Ms T Critchlow, J E Dixon, S J Ellis, Mrs G A Farrington, S Flitter, M Ford, K Gillott, J P Harrison, Mrs C A Hart, G K Hickton, R L Hosker, J C Jackson, C W Jones, M Lacey, A I Lewer, B Lewis, M V Longden, B C Lucas, G J E MacDonald, W Major, P Makin, K P Morgan, P Murray, K L Parkinson, R A Parkinson, Mrs J E Patten, G W Purdy, Mrs G P Reddy, B Ridgway, A H Rogers, R W Russell, P J Smith, S A Spencer, K Stevenson, Mrs M Stockdale, D Stone, D B Taylor, Mrs J A Twigg, Ms A Western, Mrs J Wharmby, D J Wilcox, J G Williams and D Wilson.

**93/12      APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors R B Baldry, C R Moesby, Mrs C Pidgeon, P Riggott and J N Stevens.

**94/12      DECLARATIONS OF INTEREST** Councillor A H Rogers declared a personal interest in Agenda item 7 – Notice of Motion in respect of Derwent House as his wife was employed in a care home in Chesterfield.

**95/12      CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:-

(1) The Chairman reminded Council that in September 2011, the Council had agreed to adopt the Armed Forces Community Covenant. The majority of local authorities in Derbyshire had also adopted the Covenant and since then, the Council has supported the needs of service and ex-service personnel in a variety of ways. To strengthen joint working across the County and to ensure a consistent approach was adopted, all Derbyshire authorities had agreed to re-sign a Joint Community Covenant. The formal signing of this Joint Covenant had taken place at a ceremony attended by representatives of the County Council, district and borough councils and the Armed Forces held on 19 November.

(2) The Chairman presented a number of awards to officers of the Council as follows:-

The Public Relations Team in respect of a number of campaigns.  
The Environmental Services Department in respect of the success of Derbyshire's Community Rail Partnerships.  
Adult Care for success at the National Social Worker of the Year Awards.  
Children and Younger Adults in respect of the Employment Project for success at the 2012 Children and Young People Now Awards.  
Cultural and Community Services and Children and Younger Adults for the success of The Big Book Bash at the 2012 Children and Young People Now Awards.

## **96/12        PUBLIC QUESTIONS**

### **(1) Question to Councillor S A Spencer, Cabinet Member for Highways and Transport from Mrs Andrea Barker.**

My name is Andrea Barker and I am representing and advocating for my son Jack. Jack is only 12 years old and attends The Bolsover School. For the last 18 months Jack has been campaigning for cycle lanes/routes within Bolsover, due to having 2 accidents, whilst on his bicycle, which involved cars. One was on Oxcroft Lane near to the new Morrisons development and one was just 10 yards from my front door. Due to the new development being undertaken by Morrisons in the town and the subsequent increase of traffic, safety is a high priority for children whilst cycling on the roads. Therefore Jack is appealing to Derbyshire County Council to ensure the safety of children is met cycling to and from school, from money given to Derbyshire County Council by Morrisons, under Section 106. Can this request be met and sanctioned by Derbyshire County Council, to provide safer roads and routes to school for children cycling?

Councillor Spencer responded as follows:-

Thank you for the question and Jack, thank you very much for coming today. It is very much appreciated. I congratulate you on campaigning for something that you believe in and support. I hope you have recovered from the accidents that you were involved in.

Obviously you will know that 106 agreements are dealt with by the appropriate District Council. I can tell you today that the County Council is very keen on providing alternative forms of transporting people to school, cycling/walking etc, sustainable forms. We are also keen on

making sure that people are safe on our roads here in Derbyshire so obviously we share some of the same objectives as yourself. Congratulations on that.

What I will say today is that we are in discussion with Bolsover District Council about the 106 funding with regard to the Morrisons Superstore and we will continue to be over the coming weeks. I will give you an assurance today, Jack, that I will do as much as I can to raise the concerns that you make in your question with regard to that 106 funding and hopefully reach a resolution that you will be satisfied with.

A supplementary question was asked as follows:-

Thank you. I really appreciate that and so does Jack. Can you guarantee then that cycle routes will be provided? At the end of the day I am a nurse at Chesterfield Royal Hospital. I work in trauma and orthopaedics. I see cyclists that come onto our ward. They have numerous broken bones from car accidents and for the injuries I see a child would be dead. There has already been a child killed on the roads in Bolsover. Can you guarantee for me that those cycle routes or paths will be put in place?

Councillor Spencer responded as follows:-

Well, Mrs Barker, I wish I could guarantee it. What I can say to you is with my experience in emergency services in years gone by I understand the issues that you relate to. What I will do is I will do my best to make sure that that 106 agreement reflects the wishes of your question today. I will do my best to make sure that we provide the links that you are requesting. I cannot guarantee it because that is a decision for the Council to make, subject to the agreement of the 106 funding that comes through, but what I will say to you today is that we have also taken seriously the issues you raise across the county with regard to safer more sustainable cycle routes. As you will be well aware we have many initiatives across the county already in place and I have no reason to believe that that will not continue in the future.

**(2) Question to Councillor Charles Jones, Cabinet Member for Adult Care from Mrs Elaine Lenthall.**

Following the poor consultation and the tenuous legal decision to close Derwent House, we have little faith in the mitigating factors of the pledges made in 'The Major Change and Closure Guidance'. We are supposed to be reassured that every resident will be carefully assessed with good planning and a medical risk assessment by the GP or Consultant about each person's vulnerability to the trauma involved. Despite apparently being sent letters and leaflets at the start of the

consultation in May 'page 23 appendix 4 Responses to Consultation' NO GP surgery locally was aware of what was happening. Newbold Surgery, now the only one responsible for the care of Derwent House residents, was made aware by us on 23rd November. They are shocked. They will have to make assessments of patients they do not know well in the very near future. Such assessments should have been made at the formative stage of planning and shows little consideration for the protected group of the frail elderly in Derwent House. How do you plan to rectify this situation and ensure that each person is validly assessed?

Councillor Jones responded as follows:-

Hello, Mrs Lenthall. All our actions in relation to the closure of Derwent House have been in compliance with 'The Major Change and Closure Guidance' and due processes of this Council. The suggestion that "tenuous legal decision" has been made is without any foundation whatsoever. The Cabinet decision was made in accordance with the advice from our Queen's Counsel whose specialism and expertise is in this particular area of the law. The Queen's Counsel's legal advice is that this Council should not undertake assessments until a decision to close the Home has been taken.

Now that decision has been taken, over the next six months we will continue to apply and change guidance to the individual assessments along with the Council's pledges. We are now making progress with the assessments at the pace of the individual residents, which will include the relevant health input from GPs and consultants if they are involved in the care of those residents. Thank you, Chairman.

A supplementary question was asked as follows:-

Thank you. I am rather surprised that you do not like the "tenuous" legal status of this decision. Under Care Quality Control people who are frail elderly should not be victimised and their voices should be heard to be understood during the consultation.

17 people in that house have dementia. The others are very frail, very elderly, a very protected group, and have no voice. Therefore, I am their voice. We have managed to form a group of residents with great difficulty. We call ourselves the Friends of Derwent House because we see that the consultation process that took place was really a sales pitch for Extra Care. Because of things that went wrong, because it was a poor consultation I would very much like to ask you to take it back to the Cabinet and review the situation. Thank you.

Councillor Jones responded as follows:-

Well, Mrs Lenthall, it was a twelve week consultation that was done along with the local residents. The residents of the Home were obviously - because of some of their conditions - their advocates had to be used in the process and it was a long and involved consultation along with the local residents of the community in and around that area. We will not take it back, it is part of the process. We require that to carry on with the next part of the development.

**97/12**                      **COUNCILLOR QUESTIONS**                      Councillors asked questions as follows:-

**(1) Question to Councillor A I Lewer, Cabinet Member for Leadership and Culture from Councillor Mrs E Atkins.**

Could the Leader of the Council please inform the East Midlands Ambulance Service Trust Directors that, having examined their consultation information in depth, the council has grave concerns about the special problems that will arise in the High Peak area of the County if their present proposals for the reform of the ambulance service were to be implemented?

Can Councillor Lewer inform EMAS that after long consideration and consultation with its residents the Council believes that the EMAS plans to deliver the ambulance services to the High Peak Area of Derbyshire from the proposed HUB close to the M1 are deeply flawed?

That it considers that the long distance delivery of 999 emergency and other services from this distant HUB would seriously disadvantage both the local residents in receipt of the services and the personnel delivering the services in many complex ways, seriously putting the health of all parties under threat; and that the EMAS proposals are viewed locally in the High Peak as impractical in regard to both the physical performance and financial aspects of the reality of the plans' delivery?

Please can the Leader of the Council ask the East Midlands Ambulance Service Trust Directors to provide an alternative localised support service for rural areas like the High Peak which will be satisfactory for all parties involved and meet all the health needs of the residents and ambulance staff it serves as well as the enabling its personnel to receive the level of support locally that will be available at the proposed large HUBS?

Councillor Lewer responded as follows:-

Thank you for your question, Councillor Atkins. The simple answer to it is yes, but I need to develop that a little bit more by saying that I have indeed already done that. The Deputy Chief Executive here, David Lowe, and myself travelled to Nottinghamshire to meet with the Chief Executive of the East Midlands Ambulance Service on Monday, by which time your question had come in, so it formed part of the discussions that we had with Mr Phil Milligan, who is Chief Executive of EMAS.

The concerns in High Peak are particularly vocally expressed and particularly acute but there are concerns in other areas of the county which I was able to reflect on as well in addition to another range of issues that the consultation throws up in terms of proper quality levels of accommodation for staff rather than this sort of portakabin idea, rescue time, the eight minutes, 19 minutes and so on. We had a very detailed discussion about that. It did lead me to have some grounds for feeling that it is a genuine consultation on EMAS' part and that the views that have been expressed here and that I expressed will influence their decision making after the consultation period closes.

Improvement and Scrutiny – People Committee's submission will be made probably next week and that will be followed by the Executive view which I think will be broadly similar thereafter ahead of the date that the consultation ends. Thank you.

A supplementary question was asked as follows:-

Yes, thank you. Thank you very much for your prompt action and your reply, it is much appreciated.

In the light of the concerns that some councillors and residents have already raised about the delivery of East Midlands Ambulance Services in their area, can the Leader of this Council request on behalf of the Derbyshire County Councillors that quarterly statistics are sent to councillors for response arrival times for both ambulances and first responders or paramedics at each incident for individual areas or for divisions to enable the members of this Council to monitor the true performance of EMAS or any other deliverer of ambulance and emergency services for all Derbyshire residents? Thank you.

Councillor Lower responded as follows:-

Thank you for mentioning that last little bit because we do need to reflect that Glossop and that area are actually served by the North West Ambulance Service, so that is worth pointing out as well.

I think the answer to that is yes as well. We will certainly make that request, ask for that information. I think it is worth pointing out that this is not a simple cost cutting exercise, the East Midlands Ambulance Service is not meeting its targets now, has been fined for it and therefore needs to change. The inputs into this consultation and the result need to reflect a genuine desire for change on the part of the Ambulance Service, reflect local concerns, but also make available local opportunities for the East Midlands Ambulance Service to work with partners on the Health and Well-Being Board and to look at some different sort of accommodations other than this sort of portakabin thing that will help response times and will also mean that the ambulance staff have the sort of accommodation that they need to feel confident in doing their job properly. Thank you again for your question.

**(2) Question to Councillor A I Lewer, Cabinet Member for Leadership and Culture from Councillor Ms A Western.**

In the past there has been the opportunity to put questions to the Derbyshire Police Authority at the Council Meeting; could Councillor Lewer explain what the new arrangements will be, now that we have a Derbyshire Police and Crime Commissioner?

Councillor Lewer responded as follows:-

Yes, Councillor Western, thank you for that question. As you have highlighted this is the first full Council at which questions on the function of the Police Authority have not appeared. However, the Police and Crime Panel is now scheduled to meet on the 10 January for its first full meeting and the minutes of that meeting will appear in the subsequent full Council agenda on the 6 February and questions can be asked off those papers to our appointed member to that Panel.

A supplementary question was asked as follows:-

Thank you for that reply. That certainly was news to me. I would hope there would be some capacity, if required, for the actual Police and Crime Commissioner to come to address Council at some point.

May I say as well congratulations to Councillor Charles. I would have thought that would have been said from the Council but nevertheless congratulations, Alan.

Councillor Lewer responded as follows:-

Yes, we have already had one meeting with the office of the Police and Crime Commissioner who attended the budget and business rates consultation meeting we had a few days ago. I am sure that the Police and Crime Commissioner will be wanting to have a robust and energetic democratic debate with the residents of Derbyshire when he receives complaints and I am sure he will need a robust procedure for that from his own office but there are, as Councillor Western has said, ample opportunities for engagement with the Police and Crime Commissioner as indeed there was, and always has been, with the constabulary. I am sure that relationship will continue and we will see how this post emerges under its current post holder. Thank you.

**98/12 QUESTIONS ON THE FUNCTIONS OF THE DERBYSHIRE FIRE AUTHORITY** No questions had been received.

**99/12 NOTICES OF MOTION** Council considered a Notice of Motion as set out below:-

(1) Motion submitted by Councillor D Allen

Moved by Councillor D Allen, duly seconded,

This Council recognises the concern of carers and relatives of people living in Derwent House and its proposed closure.

In view of the lack of comprehensive consultation concerning the future of residents and their desire to receive an “in house” service the Council calls on the Cabinet to defer the closure until genuine alternatives are provided and that the premature closure is avoided.

The motion was debated by Council.

Councillor Allen’s motion was put to the vote and declared to be lost.

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

For the motion (27) - Councillors D Allen, Mrs E Atkins, Mrs G Birkin, Ms S L Blank, Mrs M W Booth, W Burrows, D Chapman, A F Charles, Mrs C M Cox, J A Coyle, J E Dixon, S Flitter, K Gillott, R L Hosker, B C Lucas, K P Morgan, B Ridgway, A H Rogers, R W Russell, P J Smith, K Stevenson, Mrs M Stockdale, D Stone, D B Taylor, Ms A Western, D J Wilcox and J G Williams.



Against the motion (30) - Councillors J A Allsop, Mrs S M Allsop, D Bowley, S J Bradford, Ms T Critchlow, S J Ellis, M Ford, J P Harrison, Mrs C A Hart, G K Hickton, J C Jackson, C W Jones, M Lacey, A I Lewer, B Lewis, M V Longden, G J E MacDonald, W Major, P Makin, P Murray, K L Parkinson, R A Parkinson, Mrs J E Patten, G W Purdy, Mrs G P Reddy, S A Spencer, Mrs J A Twigg, G D Wharmby, Mrs J Wharmby and D Wilson.

Abstained (0).

**100/12**                      **COUNCIL MINUTES**    On the motion of Councillor G D Wharmby, duly seconded,

**RESOLVED** that the minutes of the meeting of Council held on 19 September 2012 be approved as a correct record and signed by the Chairman.

**101/12**                      **CABINET**    On the motion of Councillor A I Lewer, duly seconded,

**RESOLVED** that the minutes of the meetings of Cabinet held on 26 September, 16 October and 6 November 2012 be received and adopted.

**102/12**                      **REGULATORY – LICENSING AND APPEALS COMMITTEE**    On the motion of Councillor R A Parkinson, duly seconded,

**RESOLVED** that the minutes of the meeting of the Regulatory – Licensing and Appeals Committee held on 22 October 2012 be received and adopted.

**103/12**                      **REGULATORY – PLANNING COMMITTEE**                      On the motion of Councillor M Ford, duly seconded,

**RESOLVED** that the minutes of the meetings of the Regulatory - Planning Committee held on 29 August, 8 October, 25 October and 5 November 2012 be received and adopted.

**104/12**                      **AUDIT COMMITTEE**                      On the motion of Councillor S J Bradford, duly seconded,

**RESOLVED** that the minutes of the meetings of the Audit Committee held on 28 September and 23 October 2012 be received and adopted.

**105/12**                      **PENSIONS COMMITTEE**                      On the motion of Councillor P Makin, duly seconded,

**RESOLVED** that the minutes of the meeting of the Pensions Committee, as an Administering Authority and as an Employing Authority, held on 17 September 2012 be received and adopted.

**106/12**                      **STANDARDS COMMITTEE**                      On the motion of Councillor G K Hickton, duly seconded,

**RESOLVED** that the minutes of the meeting of the Standards Committee held on 24 August 2012 be received and adopted.

**107/12**                      **IMPROVEMENT AND SCRUTINY COMMITTEE – PEOPLE**                      On the motion of Councillor Mrs G A Farrington, duly seconded,

**RESOLVED** that the minutes of the meetings of the Improvement and Scrutiny Committee – People held on 12 September and 7 November 2012 be received and adopted.

**108/12**                      **IMPROVEMENT AND SCRUTINY COMMITTEE – RESOURCES**                      On the motion of Councillor P Murray, duly seconded,

**RESOLVED** that the minutes of the meetings of the Improvement and Scrutiny Committee – Resources held on 20 September and 8 November 2012 be received and adopted.

**109/12**                      **IMPROVEMENT AND SCRUTINY COMMITTEE – PLACES**                      On the motion of Councillor Mrs J A Twigg, duly seconded,

**RESOLVED** that the minutes of the meetings of the Improvement and Scrutiny Committee – Places held on 5 September and 31 October 2012 be received and adopted.

**110/12**                      **MINUTES OF MEETINGS OF THE DERBYSHIRE POLICE AUTHORITY AND THE DERBYSHIRE FIRE AUTHORITY**

The Minutes of the meetings of the Derbyshire Police Authority held on 27 July and 27 September 2012 and the Derbyshire Fire Authority held on 7 June 2012 were received.

**111/12**                      **BUDGET MONITORING 2012/12**                      An update was presented on the latest budget monitoring position at 31 August 2012. Officers had provided additional updates to take the position up to the period to the end of November. There was an overall

departmental overspend of £5.616m which, after consideration of centrally held budgets and expenditure, would lead to an expectation of an overall underspend for the Council of around £4.7m. Monitoring would continue and the position was expected to improve as the year progressed.

On the motion of Councillor A I Lewer, duly seconded,

**RESOLVED** that the 2012/13 budget monitoring position be noted.

**112/12**                      **STATEMENT OF ACCOUNTS 2011/12**      The Accounts and Audit Regulations 2011 required the Director of Finance to certify the pre-audit accounts by 30 June, and the Audit Committee to approve the post audit version of the accounts before 30 September. Both of these deadlines had been achieved. The accounts had been open for public inspection.

The accounts had been prepared almost fully on an International Financial Reporting Standards basis; the only outstanding transition being in relation to Infrastructure assets which did not yet require implementation. The only significant change since the 2010-11 accounts related to Heritage Assets (Financial Reporting Standard 30) which was adopted this year. The Full Statement of Accounts had been approved by the Audit Committee on 28 September 2012.

On the motion of Councillor A I Lewer, duly seconded,

**RESOLVED** that the statement of accounts for 2011-12 be received.

**113/12**                      **APPOINTMENT OF INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE**      At its meeting on 20 June, the Council authorised the Chief Executive, the Director of Legal Services and the Director of Human Resources to commence the process of recruitment of three Independent Persons for appointment to the Standards Committee. The recruitment process had been undertaken and satisfactory references had been obtained in respect of each candidate. Therefore, it was recommended that the Council appoints Mr Peter Smith, Mr Lloyd Newby and Mr Keith Jackson-Horner as Independent Persons.

On the motion of Councillor A I Lewer, duly seconded,

**RESOLVED** to appoint Mr Peter Smith, Mr Lloyd Newby and Mr K Jackson-Horner as Independent Persons to the Standards Committee.