

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 7 December 2016 at County Hall, Matlock

PRESENT

Councillor S Freeborn (In the Chair)

Councillors D Allen, Mrs E Atkins, S A Bambrick, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S J Bradford, S Brittain, S Bull, 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, Mrs P A Gilby, K Gillott, D T Greenhalgh, Mrs C A Hart, Mrs Janet A Hill, Mrs J M Innes, P Jones, T A Kemp, Mrs K D Lauro, B Lewis, D W Lomax, W Major, D McGregor, R R Mihaly, C R Moesby, K P Morgan, C E Neill, R A Parkinson, Mrs I Ratcliffe, P J Smith, T Southerd, S A Spencer, Mrs M Stockdale, Mrs J S Street, D H Taylor, Mrs J A Twigg, Ms A Western, D J Wilcox, E S Wilcox, D A Williams and B Wright.

74/16 APOLOGIES FOR ABSENCE Apologies for absence were submitted on behalf of Councillors Mrs G Birkin, Ms Julie A Hill, R L Hosker, S Marshall-Clarke, J R Owen, Mrs J E Patten, B Ridgway, D Walton, Ms J Wild and J G Williams.

75/16 DECLARATIONS OF INTEREST Councillors Mrs C Cox declared a personal interest in Item 12(b) – Notice of Motion in respect of the Scrap The Fee campaign as she was a magistrate; and

Councillor K Gillott declared a personal interest in Item 12(b) – Notice of Motion in respect of the Scrap The Fee campaign as he was a practising solicitor involved with Legal Aid cases.

76/16 CHAIR'S ANNOUNCEMENTS The following announcements were made:-

(1) The Chair reported the deaths of former County Alderman John Ramsden, County Councillor Terry Corrigan and David Tysoe, the former County Secretary.

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

(2) A number of awards were presented:-

To Sarah Chubb, Archives and Local Studies Manager at the Derbyshire Record Office, for the Young People in Heritage Award.

To Lien Gyles, Senior Conservator at the Record Office, for the Behind the Scenes at the Museum Award.

To Sue Mitchell, Pauline March, Neil Ridley, Karen Wilson and Tracie Bonnici of the Adult Care Deaf Team for silver in the Social Worker of the Year Awards, Team of the Year category.

(3) The Chair reported that Councillor R L Hosker was currently unwell and may find himself in the position of not having attended any Council meetings during a six months period which would have consequences for his membership of the Council. On the motion of Councillor S Freeborn, duly seconded,

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

77/16 MINUTES OF PREVIOUS MEETINGS On the motion of Councillor S Freeborn, duly seconded,

RESOLVED that the minutes of the meeting of Council held on 14 September 2016 be confirmed as a correct record.

78/16 REPORT OF THE LEADER OF THE COUNCIL

Councillor A Western, Leader of the Council, reported on the continuing efforts to support and grow the Derbyshire economy and the fact that work was now underway on the Coalite site in Bolsover to clean up the contamination there.

Councillor S J Bradford asked whether the Leader could give an update on the current position with regard to devolution.

Councillor Western replied as follows:-

There is nothing tangible. I think the whole thing has run into the buffers nationally because there isn't a coherent government framework for it outside of the core cities so we have seen attempts to pull places together to form devolution deals happen here, happen in Lincolnshire, happen in East Anglia, happen in shire areas up and down the country and they have foundered for all sorts of reasons, but I think the lack of a coherent framework from government is one of the main ones.

In terms of what is happening here locally, the Derby and Derbyshire Leaders are meeting again. There is a lot of work to be done. We are looking at the possibility of future work patterns on things that we are all engaged in with a view to working more efficiently and, if that leads, in due course, towards something that looks like devolution then, so be it, but that is as far as we have got at the moment.

We are still working within a LEP area that covers Derbyshire and Nottinghamshire so it is important that we do work together but, in terms of devolution, I think we are waiting for a steer from government to see what they will do to try and find a way through this for places that want to pursue that.

79/16 **PUBLIC QUESTIONS** There were no public questions.

80/16 **RECEIPT OF PETITIONS** There were no petitions to report.

81/16 **MINIMUM REVENUE PROVISION POLICY** Local authorities were required to set aside prudent revenue provision for debt repayment where they had used borrowing or credit arrangements to finance capital expenditure. Statutory Guidance covering Minimum Revenue Provision (MRP) set out various options and boundaries for calculating prudent provision.

A number of options had been considered and appropriate financial modelling undertaken following advice from the Council's Treasury Management advisors.

It was proposed that the current methodology of a reducing balance of 4% be reduced to 2.5%, thereby assuming average asset lives of 40 years. Assets which were on the Balance Sheet and subject to Private Finance Initiative (PFI) contracts or finance leases, the annual principal payment amount in the PFI or finance lease model was used as the MRP payment amount. For any significant asset with a life of less than 20 years, an annual amount based on the expected useful life of the individual asset was used and, where those assets were vehicles, the average life of 5 years was used.

The revised policy would, therefore, read as follows:

- To provide 2.5% of debt outstanding on all debt as at 31 March 2008.
- On any new debt since this date to provide 2.5% of the balance on all borrowing unless any unsupported borrowing relates to any significant assets with a life of less than 20 years. In this case an annual amount based on the expected useful life of the individual assets is used and where those assets are vehicles then an average life of 5 years is used.

The policy would be reviewed annually as part of the Treasury Management report considered by full Council.

The Council's external auditors had been consulted on the proposed changes and were minded not to challenge the principles being put forward by the Council for the re-profiling of its MRP charge.

On the motion of Councillor A Western, duly seconded,

RESOLVED to approve the proposed change to the Council's MRP Policy.

82/16 REVISED TREASURY MANAGEMENT POLICY On 10 February 2016 Council approved the Treasury Management Strategy 2016-17 alongside the Prudential Code for Capital Finance and Capital Programme Approvals.

It was proposed to amend the Treasury Management Strategy to reflect a number of initiatives that had developed since February 2016, and details of these were reported along with a copy of the proposed revised policy document.

On the motion of Councillor A Western, duly seconded,

RESOLVED to approve the revised Treasury Management Strategy 2016-17.

83/16 LOCAL PENSION BOARD A report was presented which reviewed the operation of the Local Pension Board for Derbyshire, proposed the extension the appointment of the Independent (non-voting) Chair of the Board for a further term, and reviewed the appointment of the four voting Board members.

On the motion of Councillor A Western, duly seconded,

RESOLVED (1) to note the work of the Pension Board to date;

(2) to extend the appointment of the current Chair of the Board to March 2018; and

(3) to extend the appointment of one each of both scheme member and employer representatives by a further 12 months to provide continuity.

84/16 IMPROVEMENT AND SCRUTINY ANNUAL REPORT

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

RESOLVED to receive the Improvement and Scrutiny Annual Report for 2015/16.

85/16 APPOINTMENT OF EXTERNAL AUDITOR The Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State for the Department of Communities and Local Government (DCLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017-18.

The Council's current external auditor was KPMG, this appointment having been made under a contract let by the Audit Commission. Following the closure of the Audit Commission the contract was currently managed by Public Sector Audit Appointments Limited (PSAA), the transitional body set up by the Local Government Association (LGA) under delegated authority from the DCLG.

When the current transitional arrangements came to an end on 31 March 2018, the Council would be able to make its own appointment of an external auditor. The scope of the audit will still be specified nationally. The National Audit Office (NAO) was responsible for writing the Code of Audit Practice which all firms appointed to carry out a local authority audit must follow. There were three broad options open to the Council and these were set out in the report. The Council had until December 2017 to make an appointment and, in practical terms, this meant that one of the options outlined would need to be in place by spring 2017 in order that the contract negotiation process could be carried out during 2017.

The matter had been considered by Audit Committee and Cabinet when it had been recommended that the Council should opt-in to a sector-led approach to appointing an external auditor. PSAA had recently issued guidance advising local authorities to obtain full Council approval should it wish to follow the SLB approach.

On the motion of Councillor A Western, duly seconded,

RESOLVED to approve the use of Public Sector Audit Appointments Ltd to procure an External Auditor when the current contract ceases.

86/16 WAIVER OF THE CALL-IN PROVISIONS On the motion of Councillor Ms A Western, duly seconded,

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

87/16 PRESENTATIONS There were no presentations.

88/16 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 20 September, 11 October, 1 and 22 November 2016.

There were no questions on the report.

On the motion of Councillor A Western, duly seconded,

RESOLVED that the report be noted.

89/16 COUNCILLOR QUESTIONS Question from Councillor Mrs I Ratcliffe to Councillor D Allen –

Will you share with members and the public the concerns on the implementation of the Derbyshire NHS STP?

Councillor Allen replied as follows:-

In a nutshell, yes, I think there is concern. The plan itself has long been awaited. Around the country there has been a lot of excitement. The government's secrecy around the plan has created a lot of uncertainty and concern and I am pleased to say the plan in Derbyshire has been released. It was released on the 18 November after quite a long substantial discussion with both Derby City who are part of that through the Health and Wellbeing Board and all the health partners, so again it is there for people to look at. The point behind it is primarily it is the NHS plan to try and break even. The government want the NHS to break even and they have come up with the idea of this plan. We all know there is something like a £290m gap in Health. Social Care has about a £136m gap, therefore something has to be done to resolve that. People are living a lot longer. By 2033, 27% of the population in Derbyshire will be over 65 which obviously is a concern for people and the fact that more and more people are living longer periods of time in ill-health. So again, our direction, the way we want to work, is get people living longer with good quality of health not sliding down very slowly into poor health. The principles behind the STP are something that generally we would welcome.

A supplementary question was asked as follows:-

What action have you taken and will take to address these concerns?

Councillor Allen replied as follows:-

The STP is a worry and I think people are concerned at how it has been funded completely. We are part of it. We are signatories to it and there has been some general criticism of that fact, but I think from my point of view, it was important that we, through the Health and Wellbeing Board, through Adult Care, are seen as being part of the whole health system because, in the end, we want to try and protect people and get people, as I said earlier in my first response, living healthier and longer.

What have we done about that? We made representation to the Health Secretary, Jeremy Hunt, very early on about getting the plan released. Obviously, eventually, some leaked out and we made the decision to release that on the 18 November. Since then, there has been quite a lot of pressure because a lot of these documents are very large, a lot of appendices and, again, the appendices have been released as you are probably aware, or are certainly in the process of being released then everybody can see all the plan, all the detail and obviously scrutinise it. The important thing is it is a plan for five years so it starts this year and extends. We have made it quite plain where our argument comes, I think if we look at our response on the 21st Century plans which talked about closure of Bolsover, closure of Clay Cross, closure at places in Derbyshire Dales and moving those services primarily into two wards at the Royal and the closure of a lot of the community beds. In fact, the document talks about 500-odd beds over this period of time.

I think our position is very strong: until the health system can prove that people can be cared for adequately in their own homes, then we will oppose any of those closures. I think that is what we feel very strongly about. We are going along with the plans, in the right direction. People deteriorate very rapidly when they are in hospital, either in acute wards or community wards, so we need to get people home with the support but currently, in my view, there isn't the support there. There are not enough care workers. There are not enough OTs. There are not enough physios. There just isn't the structure there to support people. I think that is becoming more and more clear.

This morning on the radio they were talking about somebody who had been to Scarborough Hospital with a relative who had been on a trolley in a corridor for four hours, then went to a cubicle for another five hours. The lady there said it would have been better taking the person, who was a relative, back to the care home they were in rather than stopping in the hospital. They hadn't even got a blanket. This is a real

indictment of where some of the Health Service is going. The principles are absolutely right but it is not working properly.

It comes back to my main point about this. We have said constantly that the NHS should be adequately funded. If you look at the government statement last time there was no mention of the NHS or adult care, no mention at all. The crisis is really there, both in the Health Service and adult care and, until the money is either transferred from one to the other, which is part of what the STP is about, but in the end, it is just totally inadequately funded and I think that is something we have got to keep pressing and pressing. Certainly, that is what we will be doing, we have been doing and will continue to do. The Health Service has to be funded properly.

I would just like to quote from somebody. It says:

“Elderly people deserve a caring conclusion to their lives and government should adequately fund this.”

That is from the Leader of the LGA Conservative Group. Hopefully we will get full party support in saying we have to push for the Health Service. We are all likely to be users of that service. We need to have an adequate properly funded service.

I can assure you that even though we are very much in discussion with Health, the Director of Adult Care spends many hours with Health. I know there are problems about getting agreement to the contracts. I attend with Councillor Jones STP meetings, again they are equally riveting and it is a worry. There are big issues around this. There is so much that concerns most of us in terms of the care not only of the elderly but all the way through life so we have to have that quality of care that is there. I can assure you we will continue to do that.

I must not forget to mention that the consultation on the STP will take place. We have agreed through the Health and Wellbeing Board that Healthwatch would pick that up and lead that because again we need to ensure that the public have their input into it. It is not just “Save our NHS” campaigns it is actually looking very strongly. It is valid to save the NHS but very valid to get to the detail and look at how we can make sure that Derbyshire gets the right level of service and the right place. I think we can stand on our record of being very concerned about the plans and clear direction where we want to be. I can assure you we will press to get the government to adequately fund our services.

(a) Moved by Councillor D J Wilcox, duly seconded,

Although data on hate crime in Derbyshire is under review, various groups have expressed concerns about the rise in Hate Crime in other areas of the country following the referendum. We are proud to live in a tolerant and diverse country. Racism, xenophobia and hate crimes have no place in our society. This Council condemns these unequivocally. We must not allow hate to become acceptable. The Council with its partners must work to ensure we have the support and resources to prevent racism, xenophobia and Hate Crime. We publicly condemn any such attacks and make it clear the Council will take any necessary steps to tackle this. We reassure people living in our area that they are valued members of our community.

RESOLVED to approve the Motion.

(b) Moved by Councillor Mrs C Bisknell, duly seconded,

Scrap the Fee for Domestic Violence Victims.

Council notes:

National statistics have not changed for decades. Two women are killed every week in England and Wales by a current or former partner. One in four women will experience domestic violence in their lifetimes. Legal Aid is a lifeline for women fleeing domestic abuse. It helps them to protect themselves, their children and secure their financial situation. Yet due to Government changes to the rules for women to qualify for Legal Aid, they now need to provide a prescribed piece of evidence to prove they have been subjected to abuse. One of the accepted forms of evidence is a letter from a GP. However, some GPs charge a fee – in some cases as much as £75 – to produce that letter.

Council believes:

That it is everyone's responsibility to stop domestic violence and abuse and it is our ambition that people treat one another with respect and compassion. No GP should charge victims of domestic abuse for a letter they need to access Legal Aid. It is unfair, it is immoral and it has to stop.

Council resolves:

To support the Scrap the Fee campaign, which was established by Tom Watson MP following a plea from Wythenshawe Safe Spots.

To call on the Government to scrap this unfair and unjust charge, by bringing this service back under the NHS contract.

Councillor B Lewis moved the following amendment to the motion, duly seconded,

That the wording of the second paragraph be amended to read “No GP should charge victims of domestic abuse, female or male, for a letter they need to access Legal Aid”

That the wording of the third paragraph be amended to read “To support the Scrap the Fee campaign, which was established by Tom Watson MP following a plea from Wythenshawe Safe Spots by bringing this service under the NHS contract, to call on the Government to scrap this unfair and unjust charge; and to write to all GP practices in the County of Derbyshire requesting that no charge is made to victims of domestic abuse for a letter.”

The proposed amendment was accepted by Councillor Bisknell.

RESOLVED to agree the following:-

Council notes:

National statistics have not changed for decades. Two women are killed every week in England and Wales by a current or former partner. One in four women will experience domestic violence in their lifetimes. Legal Aid is a lifeline for women fleeing domestic abuse. It helps them to protect themselves, their children and secure their financial situation. Yet due to Government changes to the rules for women to qualify for Legal Aid, they now need to provide a prescribed piece of evidence to prove they have been subjected to abuse. One of the accepted forms of evidence is a letter from a GP. However, some GPs charge a fee – in some cases as much as £75 – to produce that letter.

Council believes:

That it is everyone’s responsibility to stop domestic violence and abuse and it is our ambition that people treat one another with respect and compassion. No GP should charge victims of domestic abuse, female or male, for a letter they need to access Legal Aid. It is unfair, it is immoral and it has to stop.

Council resolves:

To support the Scrap the Fee campaign, which was established by Tom Watson MP following a plea from Wythenshawe Safe Spots by bringing this service under the NHS contract, to call on the Government to scrap this unfair and unjust charge; and to write to all GP practices in the

County of Derbyshire requesting that no charge is made to victims of domestic abuse for a letter.

91/16 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 12 September and 31 October 2016.
- (b) Regulatory – Planning Committee held on 5 September and 3 October 2016.
- (c) Pensions and Investment Committee held on 7 September and 26 October 2016.
- (d) Audit Committee held on 4 October 2016.
- (e) Standards Committee held on 5 October 2016.
- (f) Improvement and Scrutiny Committee – Resources held on 22 September 2016.
- (g) Improvement and Scrutiny Committee – People held on 7 September 2016.
- (h) Improvement and Scrutiny Committee – Places held on 15 September 2016.
- (i) Improvement and Scrutiny Committee – Health held on 19 September 2016.
- (j) Health and Wellbeing Board held on 22 September 2016.
- (k) Derbyshire Police and Crime Panel held on 15 September 2016.
- (l) Derbyshire Fire and Rescue Authority held on 30 June and 29 September 2016.