

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 8 February 2017 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, 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, S Freeborn, J A Frudd, Mrs P A Gilby, K Gillott, D T Greenhalgh, Mrs C A Hart, Mrs Janet A Hill, Ms Julie A Hill, R L Hosker, 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, C E Neill, J R Owen, R A Parkinson, Mrs J E Patten, Mrs I Ratcliffe, B Ridgway, 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, Ms J Wild, D A Williams and B Wright.

01/17 APOLOGIES FOR ABSENCE Apologies for absence were submitted on behalf of Councillors K P Morgan, D Walton and J G Williams.

02/17 DECLARATIONS OF INTEREST Councillor B Lewis declared a prejudicial interest in Agenda item 8(i) – Annual Report of the Independent Remuneration Panel as the report made reference to allowances payable to the Leader of the main opposition group and he left the meeting during the consideration of this item.

03/17 CHAIR'S ANNOUNCEMENTS The following announcements were made:-

(i) The Derby and Derbyshire Road Safety Partnership's Young Driver Education Programme had received a Prince Michael International Award recognising the scheme's long-term benefits. A presentation was made to Matt Pickard and Anna Burgin.

(ii) On behalf of the Council, the Chair wished well a number of senior officers who had or were to leave the Council in the near future, namely Richard Appleby, Toni Compai, David Hickman, Jeremy Goacher, John Gilbert and Steve Challinor.

(iii) Sir John Bather, a former Lord Lieutenant of Derbyshire, had died recently and the Council's condolences would be passed to his family.

(iv) Ian Orford, Pat Boyle and Denis Heaney, members of the Independent Remuneration Panel were welcomed to the meeting.

(v) As this was the last meeting of the Council before the elections in May, the Chair expressed his sincere thanks to all officers and colleagues, particularly his Vice-Chair, Councillor Janet Hill, for supporting him during this period. Best wishes for the future were extended to all those Members who were retiring from the Council in May.

04/17 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 7 December 2016 be confirmed as a correct record.

05/17 PRESENTATIONS Mark Vallis attended the meeting to make a presentation to Council on the Derbyshire Blood Bikes.

06/17 REPORT OF THE LEADER OF THE COUNCIL
Councillor A Western, Leader of the Council, reported on outcome of the Judicial Review of Sheffield City Region's proposals; recent meetings with both the Japanese Ambassador to the UK and also the Chinese Consul General to talk about inward investment, trade and tourism and other related items; and the recent criticism of the Council's Social Care services by Erewash MP Maggie Throup.

A number of questions were asked of the Leader as follows:-

Councillor B Lewis asked:-

On the Chesterfield and the Sheffield City Region legal case, was there any indication of what Chesterfield intended to do next in terms of the process, where they are going to next, whether they are going to ask the public of Chesterfield whether they are going to support going into the Sheffield City Region or not? Where the Leader was talking about the Erewash MP, Maggie Throup asking the question in the Commons, I think the reason for that was the astonishing size of our reserves.

Councillor Western replied as follows:-

On the first issue, it isn't the remit of Chesterfield Borough Council to pursue that consultation, it is actually the Secretary of State's

responsibility to make sure that there has been sufficient consultation either by doing that directly or by taking note of the consultation done by Sheffield City Region Combined Authority. The Secretary of State was represented in court and his barrister made it very clear that the Secretary of State has no intention of consulting on this directly and he has pushed it back to Sheffield City Region to do that. All I can repeat to you is that nothing will be done this side of May and then we watch this space. I think to some extent it depends on what happens with those other conversations I spoke about earlier.

On the second issue, if Mrs Throup has concerns about the level of reserves, and I am sure she has spoken to you and your Group about that because some of the lines used, the words used were very similar, again I would suggest she either speaks to the Chief Executive or comes and speaks to somebody here about it. There are several issues with this. First of all, the figure that was quoted is inaccurate. The figure that was quoted is not actually a correct figure. That comes back down to basic maths in terms of reading reports and adding up the right numbers instead of the wrong numbers. There are all sorts of issues about reserves that will no doubt get raised in the budget debate but to outline what some of those are. The figure quoted includes the general reserve which is open to be used in whatever way is deemed appropriate and a lot of the general reserve is smoothing out some of the pain of the budget cuts, but the bulk of it is earmarked reserves and a significant number within that reserve figure is schools' budgets, schools' balances. I have the figure here and I will quote it later on. A very significant proportion of the earmarked reserves are schools' balances that we hold on their behalf and we cannot spend, it is not our money. There is also money in some of the insurance reserves. That is money that schools have put into the different insurance schemes that this Council runs on schools' behalf, so it is a complete red herring to start quoting figures of reserves and using them as an excuse for saying that we should not be making cuts. Reserves are like people's savings accounts, you can spend the money once but you cannot use that to substitute for a reduction in your income. It is just fundamental bad financial management to suggest that you can.

Councillor S J Bradford asked:-

Whether there was still a meeting of the Derbyshire Districts and given that the process started three years, nearly four years ago, was there still a will to salvage something out of this process in relation to Derbyshire?

Councillor S Ellis asked:-

In relation to Sheffield City Region, it was my understanding that they would be carrying out a second consultation and that they had put aside a sum of some £200,000 to £300,000 in the budget to do that. The judicial review which Councillor Western quite rightly says found in Derbyshire County Council's favour did so on that one point. The rather more numerous points that were included were found to be not upheld by the judge. We on *this* side would have preferred that this had not gone to judicial review because we don't like in principle for one Council to actually challenge through the courts the democratically elected members of another Council. Would the Leader agree?

Councillor Western replied to Councillors Bradford and Ellis as follows:-

In terms of was there a will to continue with devolution in Derbyshire and Nottinghamshire? I think a lot of water has flowed under the bridge since last March. We have seen devolution deals in other parts of the country progress to a point and then come unstuck and not progress. There has not been very much progress at all in terms of devolution outside of the core metropolitan areas in the last twelve months and I think that has to go back to the Government's lack of clarity about it. The Government is changing the goalposts all the time telling us that this has to be a bottom-up process and then dictating what shape it takes and in particular dictating on the issue of elected mayors. Since then as well there has been a change in government, a new Prime Minister and a new Chancellor. Although they keep saying that they are still keen on devolution, actions are not following those words.

What we are doing in Derbyshire with Nottinghamshire colleagues in the Local Enterprise Partnership area is not waiting for Government to decide what they want, if they indeed know what they want on devolution, but to try and do as much as we can locally with the resources we have. I am not sure if the D2N2 Local Enterprise Partnership funding has been announced. It is supposed to be announced today. The Government are in the process of announcing the LEP allocations for Local Growth Fund 3, which is the significant infrastructure investment stream. I do know what the D2N2 figure is likely to be and it is significant. I do know that the Sheffield City Region allocation has already been announced and that is a lot less significant, something like £37m and the D2N2 figure is much more significant than that. The point I am trying to make is there is a potential element of smoke and mirrors. There are two interpretations you can put on that. The first is that the Government has said the funding that they allocate to the Local Growth Fund is dependent on the LEP performance. There is one interpretation that says, "Well D2N2's performance must be significantly better than Sheffield City Region's because we have a significantly greater allocation", that is the first thing. The second interpretation you could put on it is to say "This again is smoke and

mirrors” because much has been made of the £30m a year for 30 years that the Sheffield City Region devolution deal brings but their LGF allocation has been cut accordingly, so take away with one hand and give it back with another and they are no better off than D2N2 is even without a devo deal. We are not going to be wasting time pursuing a devolution deal with a Government that is not sure about what they want and in a situation where we were not supported by some of our MPs either, or some of our Districts. That is the answer to that one.

Yes, Councillor Ellis, this issue about the judge defined on one point but discounted the other point. Well the one point he found on was the fundamental issue. It was the main issue that the judicial review was looking at. Again if you “follow the money”, as the phrase goes, if we raised one issue that was found in our favour and nine issues that weren’t so we got one out of ten so to speak, we didn’t get 10% of costs back we got 80% of costs back, I think that tells you the significance of the ruling so I will leave it there. As I said before, I certainly don’t agree with your perspective on it.

07/17 PUBLIC QUESTIONS

(i) Question from Edwina Edwards to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure

If Derbyshire County Council is introducing a “Gate to Gate” service called “Derbyshire Connect” how will existing passengers who use a wheel chair or have mobility issues using the current “door to door” service be treated equally and not disadvantaged in any way if they wish to do “essential shopping”?

Councillor Collins responded as follows:-

The current service has been provided by a grant funding arrangement with Community Transport for many years. The current funding agreement sets out how much the Council would pay for the service but does not stipulate the details of the service that should be provided. As a result there is some inconsistency in the level and the way the service is currently provided within the county. With the current budget pressures it is important that we achieve the very best value for money not only in terms of cost but also by being clear about the standards of service we expect. The current tender documents therefore set out what is required, and this is a minimum requirement, in considerable detail. They specify a maximum length of journey, a minimum time that the passenger must have had at their destination and details of the age and capacity of vehicles to be used.

As part of this we have made it clear to potential operators that they will be expected to help passengers and assist them with their shopping and other baggage. Passengers in wheelchairs must also be offered additional assistance on and off the vehicle. If people need more assistance than this they are of course able to bring their own carers, and this is normally the case with people who use wheelchairs. Where for any reason this is not possible it is likely that a community volunteer would be available to assist. Operators will be asked to refer passengers to the local Council for voluntary services or similar organisations in the area should this issue arise. In addition, if organisations consider the 'doorstep service' something that they would wish to offer, they are encouraged to propose this as part of their tender and this would be taken into account in the tender evaluation.

A supplementary question was asked as follows:-

The only thing I would say, and I appreciate the tender documents are out there so we need to be careful how we discuss issues obviously for commercial sensitivity, if that is 'gate to gate' what is 'door to door'?

Councillor Collins responded as follows:-

There was an issue, as we are all aware from the private challenge that we had on State Aid, that the commercial sector was propping up the charity. There is nothing to stop you and I don't want to tell you how to put your tender in but you are a charity. I would have thought some of that charity money would have encouraged you to do a door to door service which you can either take out of your charity bit or you put that in your costs when you put the tender in as if a taxi firm. Most taxi firms pull up, they pip their hooter, but if they know they have disabled passengers they will get out to help that disabled person into the vehicle purely from the fact that once they have done it they know that customer will ring them again. Again I am not telling you how to put your tender in but I would have thought that would have been high in there, hopefully.

08/17 RECEIPT OF PETITIONS There were no petitions to report.

09/17 ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL It was a requirement of the Local Authorities (Members' Allowances) (England) Regulations 2003 that the Council appoint an Independent Panel on Members' Allowances to consider issues and put forward recommendations for the Council to consider in relation to the Members' Allowances Scheme. The Regulations also included a requirement for the Panel to make an Annual report to Council on its recent activities.

Mr I Orford, Panel Chair, presented the Annual Report for 2016/17.

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

RESOLVED that the Annual Report of the Independent Remuneration Panel for 2016-17 be received.

10/17 REVENUE BUDGET MONITORING 2016/17 On
the motion of Councillor Ms A Western, duly seconded,

RESOLVED to note the 2016-17 budget monitoring position as at 31 October 2016.

11/17 CAPITAL BUDGET MONITORING 2016/17 On
the motion of Councillor Ms A Western, duly seconded,

RESOLVED to note the current position on the monitoring of Capital schemes

12/17 BUDGET CONSULTATION RESULTS A report
was presented on the outcome of the Council's budget consultation exercises in formulating its budgetary proposals to Council regarding the Revenue Budget for 2017-18.

On the motion of Councillor A Western, duly seconded,

RESOLVED that the views of the consultation respondents be taken into account by Council in formulating its proposals regarding the Revenue Budget for 2017/18.

13/17 REVENUE BUDGET 2017/18 The Chief Executive
and the Director of Finance reported to Cabinet on proposals regarding the Revenue Budget for 2017-18.

The report presented detail in respect of the 2016-17 budget, the Autumn Statement 2016, the Provisional Local Government Finance Settlement, Council Tax, Business Rates, price increases, Corporate Budgets, budget cuts targets, service pressures, 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 and therefore the consultation exercises undertaken in the preparation of the 2017-18 budget were relevant in this respect. Section 149 of The Equality Act 2010 imposed an obligation on Members to have due regard to protecting and promoting the welfare and interests of persons who shared a relevant protected

characteristic (age; disability; gender re-assignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation).

A draft Community Impact Assessment had been undertaken by the Council that made an initial assessment of the potential impact of budget cuts to 2015-16. The Assessment drew on the Equality Impact Assessments, consultations and the wider contextual information available, including business cases for each budget proposal. It also provided an overview of people and places where the budget cuts proposals might have a negative impact, including those where the cumulative effect might be greatest. The Assessment provided the foundations for the necessary programme detailed Equality Impact Assessments to ensure that decisions were informed by the fullest understanding of their effect on people and communities, as well as highlighting those groups which might need to be consulted on proposals as they emerged.

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

The report was debated.

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 2016 and Provisional Local Government Finance Settlement as outlined in sections (b) and (c) of the report;
- (ii) notes the Government's expectations about Council Tax levels for 2017-18 in section (d);
- (iii) notes the details of the Council's consultation activity as outlined in section (l);
- (iv) notes the Director of Finance's comments about the robustness of the estimates and adequacy of the reserves as outlined in section (j);
- (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 £295.251m which is calculated as follows:

	£
Budget Before Pressures and Budget Reductions	481,198,868
Plus Service Pressures – on-going	11,571,261
Plus Adult Social Care Precept	5,612,739
Plus Service Pressures - one-off	6,988,747
Less Budget Reductions	-34,075,000
Plus Shortfall on Cuts Target	10,814,000
Contribution to Contingency Budget	7,155,835
Reduction to Debt Charges	-1,250,000
Reduction to Risk Management Budget	-453,450
Net Budget Requirement	487,563,000
Less Top-Up	-88,603,853
Less Business Rates	-18,041,234
Less Revenue Support Grant	-44,056,289
Less New Homes Bonus	-2,494,519
Less General Grant	-11,628,420
Less PFI Grant	-10,503,833
Less Use of General Reserve	-6,170,000
Less Use of Earmarked Reserves	-10,814,000
Balance to be met from Council Tax	295,250,852

- (xi) authorises the Director of Finance to allocate cash limits amongst Cabinet portfolios; Strategic Directors to then report to Cabinet on the revised service plans for 2017-18.

The vote on the motion was recorded as follows:-

For the Motion (43) – 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, Mrs P A Gilby, 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, D Lomax, 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, T Southerd, Mrs M Stockdale, Ms A Western, D J Wilcox, E S Wilcox, D A Williams and B Wright.

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

Abstained (1) – Councillor Mrs E Atkins

14/17 FIVE YEAR FINANCIAL PLAN The Director of Finance presented the Council's Five Year Financial Plan which had been revised and updated for the period 2017/18 to 2021/22.

The Plan supported the Council's financial strategy and annual budget by establishing the resources that were likely to be available for allocation to meet service priorities contained within the Council Plan.

The proposed Plan identified a further set of budget reductions which were detailed at Appendix 2 to the report. The level of budget reductions required over the next five year period remained significant and the achievement of a balanced budget was dependent on the Council meeting its budget reduction target annually. Whilst General Reserves over the period of the Plan remained at prudent risk assessment levels, any overspend arising from demand management issues or slippage on the achievement of budget reductions, would require a call on the General Reserves. A copy of the updated Plan was shown at Appendix 1 to the report together with the assumptions used in developing the Plan.

The report provided more detail in respect of uncertainty and risk which related to the Business Rates Retention Scheme, Adult Care demographics, Better Care Fund, Academisation, the Living Wage, Public Health funding and price inflation. The Plan showed that savings of £80m were required up to the year 2021-22. However, this was reliant on the additional Better Care Fund allocations being available to support Adult Care spend. If the Government were to place conditions

on the additional funding such that the Council could not use the Better Care Fund to support social care pressures, then a further £25m over the period 2017-18 to 2019-20 would need to be cut in order to set a balanced budget.

The Council would monitor the Government's proposals with regard to changes to the Business Rates Retention Scheme, but until the Government provided details of the proposals to local authorities, it was difficult to estimate both the level of business rates income and the financial impact of any additional burdens, particularly Public Health over the medium-term.

Members noted that whilst the Plan showed estimated budget reductions of £80m, this figure might rise to £105m. Appendix 2 to the report highlighted savings proposals for the period 2021-22. However, the savings identified did not meet the total savings required over that period, therefore further reports would need to be brought to Cabinet over the coming months identifying further areas for savings to be made.

RESOLVED that (1) the Five Year Financial Plan be approved;

(2) the uncertainty and risks detailed in Section C and D of the report be noted; and

(3) the possible budget reduction proposals set out in Appendix 2 to the report be noted.

15/17 PRUDENTIAL CODE FOR CAPITAL FINANCE, CAPITAL PROGRAMME APPROVALS AND TREASURY MANAGEMENT

A report was presented by the Chief Executive and the Director of Finance which sought approval for proposals relating to the Prudential Code for capital finance including:

- The Capital Starts Programme for 2017/18
- The Minimum Revenue Provision (MRP) Policy for 2017/18
- A Treasury Management Strategy for 2017/17
- 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.

Details of all proposals were contained in the Report and the Appendices to the report.

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 of the report.

(2) The 2017-18 Capital Starts Programme as detailed in Appendix 1, and that further reports on the detailed schemes be submitted to Cabinet.

(3) The MRP policy for 2017-18 as detailed in paragraph 2.10.

(4) The Treasury Management Strategy for 2017-18 as described in Appendix 3, and taking into account the guidance issued by the CLG and noting the changes in 2.18.

(5) The adoption of CIPFA's Code of Practice on Treasury Management and Cross Sectoral Guidance Notes (revised 2011), as shown in Appendix 3, and the Treasury Management Policy Statement as specified in the Treasury Management Code of Practice and set out in Appendix 3.

16/17 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 A Western, duly seconded.

RESOLVED that the Pay Policy Statement be approved.

17/17 LOCAL GOVERNMENT PENSION SCHEME ASSET POOLING Council approval was sought to changes required to the operational and governance arrangements for the Derbyshire Pension Fund following the recent amendment of the Local Government Pension Scheme Investment Regulations.

On the motion of Councillor A Western, duly seconded.

RESOLVED (1) to enter into an Inter-Authority Agreement between Cheshire West and Chester Council, Derbyshire County Council, Leicestershire County Council, Nottinghamshire County Council, Shropshire Council, Staffordshire County Council, Wolverhampton City Council and Worcestershire County Council to

establish a joint pension fund investment pool, in accordance with the requirements of the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016; to be overseen by a Joint Committee established under s102 of the Local Government Act 1972;

- (2) to become a joint shareholder of LGPS Central Limited, a private company, limited by shares, held solely by the participating funds, on a 'one fund, one vote' basis; incorporated for investment management purposes and regulated under the Financial Services and Markets Act 2000;
- (3) to appoint the Chair and Vice-Chair of the Pensions and Investments Committee to represent the Council on the Shareholder Forum and the Joint Committee respectively;
- (4) to appoint the Director of Finance or his nominee to represent the Council on a Practitioner Advisory Forum, providing joint officer support to the Joint Committee and Shareholder Forum;
- (5) to authorise the Director of Legal Services to enter into all necessary legal agreements to establish a joint asset pool and investment management company; and
- (6) To approve the amendments to the terms of reference for Pensions and Investments Committee in Article 12 of the Council's Constitution as set out in Appendix 2 to the report to take effect from 1 April 2018.

18/17 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.

19/17 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 13 December 2016 and 10 and 24 January 2017.

There were no questions on the report.

On the motion of Councillor A Western, duly seconded,

RESOLVED that the report be noted.

20/17 COUNCILLOR QUESTIONS

(i) Question to Question from Councillor Mrs J Patten to Councillor A Botham, Cabinet Member for Council Services

Following the County Council's decision to remove all community activities from Hatton Community Centre, can you tell the residents of Hatton what plans the County Council have for this community asset?

Councillor Botham responded as follows:-

Yes, Hatton Community Centre was declared surplus to Children's Services requirements and, as such, passed over to Council Services. We, along with the Property Review, assessed whether it has any further need in the area, and no need has been identified.

The next move will be because the Centre has been registered as an Asset of Community Value and subject to a successful right to bid in accordance with the Localism Act 2011 this prevents us from making any immediate sale. The Localism Act says that we have to leave a period of six months before we dispose of the property to allow the District Council to show an interest in purchasing the property, so that is where we are at the moment.

A supplementary question was asked as follows:-

To say there is "no need" is ridiculous because you haven't even carried out any consultation so you don't even know what the situation is. Taking into consideration there are 50 new dwellings on Scropton Road and a further 385 dwellings recently approved and there is a desperate need in Hatton for community space, my question is why wasn't the community consulted and considering the fact that the Council were aware of the community's interest, is the decision made not contrary to the policy of disposal of community assets?

Councillor Botham responded as follows:-

I was not aware of a need and you have had ample opportunity to contact me and inform me of any need for the building within the area. As Cabinet Member for Council Services I have received no correspondence from yourself. I have received no correspondence from any other group requesting use or availability of this building in the community. As I have just said, the building is registered as an Asset of Community Value and is going through the process. If there is a community group showing an interest within that legislation then that is the process to take it through, not through me and not through this Council meeting.

(ii) Question from Councillor B Lewis to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure

The current essential shopping service for Derbyshire residents is described as a “Door to Door” service. Under the new “Derbyshire Connect” how will people who have mobility issues, or in wheelchairs or have significant medical problems be able to access this “Gate to Gate” service without the costs and additional risks being awarded to the operator?

Councillor Collins responded as follows:-

I will just refer you back to the answer I gave Mrs Edwards.

A supplementary question was asked as follows:-

Based upon that answer you gave to Mrs Edwards could I then ask: is this a programme that is designed to disadvantage Community Transport because I don’t understand why you would draw up a contract that would not meet a proper need then add it and get them to add it as additional elements of this, so was it a deliberate thing or was it just a genuine mistake that the contract is really badly drawn up?

Councillor Collins responded as follows:-

As I said to Mrs Edwards, the tender documents are a minimum specification, that is what we would expect as a Council. They are a charity. The charity can prop up the commercial sector, the commercial sector can’t prop up the charity. If they want to include the additional service they can put it in the tender costs. If that is in there, it will come down as a social value benefit and they will probably win the contract. I have been a taxi driver. As a taxi driver you put tender prices in and usually a taxi firm will go and knock on the door if they know they are elderly. Will they put that in their tender price? Most probably. The answer is still, as I said to Mrs Edwards, what they put in their tender will be evaluated.

(iii) Question from Councillor B Lewis to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure

It is disappointing to see that unfortunately volunteer car schemes will not be able to tender for the health related element of “Derbyshire Connect” due to legal constraints. What adjustments will Derbyshire County Council make to enable volunteer car schemes to be part of the tender process?

Councillor Collins responded as follows:-

Again these tender documents have been proposed. I am not going into the detail, you can find those if you want to yourself. The tender documents are potential for operators for their comments on fares and charges and they are free to put forward alternative proposals. If the voluntary car share want to use that, they can put a different proposal forward.

A supplementary question was asked as follows:-

I am not a particular expert in this field, but if I heard what you said correctly, it is that they can put together a bid or bid on this particular process, even this bit here, and despite the fact that they might be constrained by legal issues there are ways around it, is that what you are saying, or is it that again the nature of the contract disadvantages CTs in favour of some other model?

Councillor Collins responded as follows:-

The concern of the volunteer car schemes is that the proposed one pound a mile charge would exceed the costs of supplying the service and they believe that current regulations would preclude them from tendering for this work. The car schemes do a brilliant job and I know how much they are appreciated by the passengers who use them. The tender documents ask potential operators for their comments on fares and charges. They are free to put forward alternative proposals. If the volunteer car schemes feel they are able to provide the service and charge a cheaper fare than we have suggested I would urge them to submit an alternative option. Also in the tender documents again, as has gone through Cabinet, the social value will be in the tender process and it will be evaluated on that basis.

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

Could the Cabinet Member confirm that Labour proposals to introduce on-street parking charges across areas in Derbyshire have not changed?

Councillor Collins responded as follows:-

They haven't changed

A supplementary question was asked as follows:-

In the light of that comment and in the light of the consultations this Authority has been through with regard to the introduction of on-street car parking charges, 3,000 signatures opposing it in Matlock Bath and various tweets from the Labour Member for Buxton North East stating that she will be opposing the introduction of on-street car parking charges in her Division and also virtually guaranteeing to the electorate that that will be the case, could the Cabinet Member confirm whether any concessions have been granted to the Labour Member for Buxton North East?

Councillor Collins responded as follows:-

We are out to consultation. We will listen. We will report back to Cabinet and when we report back to Cabinet you will know the outcome of the consultation.

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

Could the Cabinet Member give details with regard the roll out of the digital lighting programme. How many months was the implementation delayed following the agreement of Cabinet? How many staff are working on the frontline? Where have they been working and where are they programmed to work over the next three months? Is the Cabinet Member confident that roll out is being managed correctly and does the burn to extinction policy have consequences for the public?

Councillor Collins responded as follows:-

With regard to LED lighting when the implementation was supposedly to start there was a nine month delay due to the challenge on the procurement and the advice given by Legal. We have surveyed around 30,000 of the 68,000 lights in this project. The project team currently consists of a Senior Project Engineer, a Clerk of Works, business support staff with two staff assisting in addition to their normal duties. We have a support contractor who has two teams changing lanterns and a further two teams carrying out complete replacements.

On Monday 5 December, work started in the Eckington/Killamarsh areas and at the 26 January we had installed 1,600 LED units with a further 1,250 to complete in that area. On 6 February, work starts to fit 2,600 LED units in Dronfield, Coal Aston/Holmesfield area. We are then planning to start fitting 3,100 units in Glossop, Charlesworth, Chisworth, Tintwistle.

Once we have signed a contract, anticipated within the next week, we have a second contractor who will start work in South Derbyshire so Wessington, South Wingfield, Crich, Ilkeston. They will then move on to Belper. Whilst we are in discussion with this company we cannot issue formal instructions until the legal issues are resolved.

A supplementary question was asked as follows:-

We have missed a few questions I have to say again. Consequences for the public, not heard anything about that? What does the 'burn to extinction policy' mean for the public? We have not heard anything about that, so I will answer the questions for you, Councillor Collins.

Thank you very much for that information. Interesting to note where the roll-out has started in Derbyshire; interesting to note that we are still significantly behind. With 1,500 in Eckington we have 1,250 to do. It is highly unlikely we are going to get to many more areas in Derbyshire before the election which is, as I say, strange to say the least.

I have to say Chairman as well there are significant problems across the county with the 'burn to extinction' programme. As a consequence of the 'burn to extinction' programme we are losing lights in areas - I have part-night lighting - and, consequently, putting areas into total darkness. That will become far more apparent over the coming months. It started at the beginning in December. It comes as no great surprise to me - because they were on an annual replacement programme - so it comes as no great surprise to me that we are beginning to see problems now which undoubtedly are going to be exacerbated by that election day. It will be interesting to see how people react. I have one or two emails here from residents in my Division and the correspondence received from officers of this Council, even from the Chief Executive, which I will discuss with him personally after the meeting.

I have to say, Chairman, it is interesting to note where we have started a roll-out of this programme. It would have been far more fair to spread it across the county. I have to say also, Chairman, with six frontline staff carrying out day-to-day maintenance on street lighting, 69,000 street lights, they have one heck of a job on. I do anticipate problems which is unfortunate for the taxpayers of this county. All I would say to you, Chairman, the question is very simple: if the lights go out in Derbyshire is the Cabinet Member going to stand up and take the bullets?

Councillor Collins responded as follows:-

We have five electricians, you are right. I would love to put more in. Show us the money, as they say, show us the money. Get on to your Government to release cash.

We are currently working to fix the lights that are out. We are in Sudbury, Hilton, Burnaston, Willington. I don't think that's on *this* side of the Chamber. We are moving to Barlow, Brampton, Holymoorside. Again that is not on *this* side, that is *that* side. We have recruited two additional electricians. We are repairing 1,000 a month and we are getting 1,600 go out a month. There are 3,900 outstanding faults and we will tackle those as we move along. In that 3,900 a lot of those will be picked up by the LED programme.

21/17 NOTICE OF MOTION (1) On the Motion of Councillor P Jones, duly seconded,

This Council welcomes the decision of the Chair of the Derbyshire Health and Wellbeing Board following its meeting on 5 January 2017 to write to the Mr Jeremy Hunt, Secretary of State for Health expressing his concern at the impact of the growing funding crisis in the NHS and local authority social care in Derbyshire.

Council shares the fears of health professionals that six years of Government underfunding are now placing strains on both services that put Derbyshire residents' wellbeing at risk and placing intolerable strains on the staff working in the NHS and social care. Council reaffirms its commitment to provide an in-house social care service including residential care homes, home care staff, brokerage service, Welfare Rights

The potential benefits of the Care Act – and now the efforts of the Sustainability and Transformation Plans - are being undermined by the damaging effects of the decision in the 2010 Spending Review which has left social care exposed to the impact of a 40% real terms fall in financial support to local government.

The integration of health services and local authority social care by 2020 continues to be a key policy driver from government. Such working together should strengthen preventative services in the community and achieve some savings and efficiencies. But there is little evidence to show that greater integration, to date, has realised significant financial savings.

The King's Fund has stated that the system needs £2.3 billion invested in the life of this parliament to protect statutory social care services

Council calls upon the Government to end its denial of the crisis in NHS and local authority social care and to properly fund these services in Derbyshire.

Therefore, this Council calls upon the Government to:

Urgently consider the implications of the impending health and social care crisis and announce a sustainable long-term funding solution so that local partners can meet current demand pressures, but also use additional funding to develop new care models. This approach will ensure that immediate concerns are addressed, but the much needed investment can also be put towards new models of care that prevent people falling into ill-health or enable them to remain independent in their own home and ultimately reduce demand across health and social care in the longer-term.

The Council further agrees to contact all Derbyshire Members of Parliament asking them to support Derbyshire County Council with this campaign to secure the funding required, both locally and nationally, in order to protect in house social care services.

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

For the Motion (38) – 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 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, Ms Julie A Hill, P Jones, Mrs K D Lauro, D Lomax, S Marshall-Clarke, R R Mihaly, C R Moesby, J R Owen, Mrs I Ratcliffe, B Ridgway, P J Smith, T Southerd, Mrs M Stockdale, Ms A Western, D J Wilcox, E S Wilcox, D A Williams and B Wright.

Against the Motion (14) – Councillors S Bull, K Buttery, S J Ellis, M Ford, Mrs C A Hart, T A Kemp, B Lewis, W Major, R A Parkinson, Mrs J E Patten, S A Spencer, Mrs J S Street, D H Taylor, Mrs J A Twigg.

Abstained (0)

RESOLVED to approve the motion.

22/17 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 16 January 2017.
- (b) Regulatory – Planning Committee held on 9 January 2017.
- (c) Pensions and Investment Committee held on 14 December 2016.
- (d) Improvement and Scrutiny Committee – Resources held on 8 December 2016.
- (e) Improvement and Scrutiny Committee – People held on 23 November 2016.
- (f) Improvement and Scrutiny Committee – Places held on 30 November 2016.
- (g) Improvement and Scrutiny Committee – Health held on 28 November 2016 and 23 January 2017.
- (h) Health and Wellbeing Board held on 10 November 2016.
- (i) Derbyshire Police and Crime Panel held on 17 November 2016.