

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 8 June 2016 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 L M Chilton, D Collins, Mrs C M Cox, J A Coyle, R Davison, 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, Ms Julie A Hill, R L Hosker, P Jones, T A Kemp, Mrs K D Lauro, B Lewis, D W Lomax, S Marshall-Clarke, W Major, D McGregor, R R Mihaly, C R Moesby, K P Morgan, 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, D H Taylor, Mrs J A Twigg, D Walton, Ms A Western, D J Wilcox, E S Wilcox, D A Williams, J G Williams and B Wright.

39/16 APOLOGIES FOR ABSENCE Apologies for absence were submitted on behalf of Councillors Mrs D Charles, J E Dixon, Mrs J Innes, C Neill, Mrs J S Street and Mrs J Wild.

40/16 DECLARATIONS OF INTEREST There were no declarations of interest.

41/16 CHAIR'S ANNOUNCEMENTS The following announcements were made:-

(1) The Chair reported the death of former County Councillor Cyril Stevens who represented the Kirk Hallam Division between 2001 and 2005. The meeting observed a Minute's silence and tributes were made.

(2) The Council had been awarded the Kier Project of the Year for projects with a value of less than £5m for the design of North Wingfield Primary School and a presentation was made to Richard Lomas, an Architect with the County Council.

(3) Council was informed that there would be a short presentation to the meeting by Tricia Clough and Marie Shardlow-Hall of the Women Against State Pension Inequality campaign.

42/16 **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 13 April 2016 be confirmed as a correct record.

43/16 **REPORT OF THE LEADER OF THE COUNCIL**

Councillor A Western, Leader of the Council, reported on the recent announcement to close the Cortaulds factory in Belper and the efforts of the Council and other partners to put together a support package for those who were to lose their jobs.

There were no questions on the report.

44/16 **PUBLIC QUESTIONS**

(i) Question from Ms H Rhodes to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure

Does the Cabinet Member, really believe, that the statistics he was given that persuaded him to refuse a request for an extension of the 30 mile an hour speed limit at Morley Primary School/Church Lane were correct?

Councillor Collins responded as follows:-

Looking at the surveys the first reading at both ends showed speeds of 33.1 mph and 31.5 mph and on the second readings it showed 30.5 and 32.2. I asked what technology we used it on. These are police readings, these are not County Council readings, the police have done these. The technical specification of the machine that does the reading is 98% accurate. Accuracy speed +/-2% and the speed range is between 3 and 145 mph they can be accurate at. On that basis looking at the speeds on both readings, yes, I am comfortable that the stats I made the decision on justified the decision I made.

There was no supplementary question asked.

(ii) Question from Mr P Harvey to Councillor D Collins, Cabinet Member for Highways, Transport and Infrastructure

Dale Abbey is a charming village steeped in history, mystery and legend and home to 237 people. Unfortunately, our Internet speed – when measureable - makes Dale Abbey Derbyshire's very own Bermuda triangle; a time warp where communication inexplicably ceases, businesses uncannily disappear from radar and entire days vanish from Facebook timelines. The reality is that in spite of its size Dale Abbey

has a disproportionately high number of home workers in fields that rely heavily on good communications. Their businesses are suffering, children cannot do their homework and for the elderly, there is an increased sense of social isolation.

My question is, will the Council use its authority to insist that BT set aside its own commercial preferences and finally deliver the long promised high-speed broadband connection that our residents so desperately need?

Councillor Collins responded as follows:-

Derbyshire County Council has no authority over BT whatsoever. They are a commercial operator and we have not got that right. What we can do, and what we will be doing, prior to the commencement of Digital Derbyshire programme, an open market review was carried out and all providers were asked to identify the areas that they had identified for commercial roll-out. The information was provided at a postcode level. Under State Aid rules, any areas that are classed as covered by commercial operators, are taken out of the scope and remit of the Digital Derbyshire programme.

The village of Dale Abbey was identified as being part of the commercial roll-out following our OMR in January/February 2013 and therefore excluded from the first phase of the Digital Derbyshire programme. The commercial operator's roll-out in the area will continue until 2017. Commercial decisions are outside the remit of the programme and Digital Derbyshire cannot influence, persuade or encourage any decision made by the operators in relation to commercial decisions or roll-out timescales. However, we have advised BT of the community's concerns and importance of fibre broadband provision to the area.

Following our second OMR in June 2014, the commercial operator confirmed that a proportion of Dale Abbey would not receive fibre services due to the distance from the commercially upgraded cabinet to the village. As a result of this, these areas have been reincorporated into the second phase of the Digital Derbyshire programme. However, the area is at the latter part of delivery which will be in 2018.

We will discuss the potential of bringing these delivery timescales forward with BT and will liaise with members of Dale Abbey Parish Council over the coming months and years.

A supplementary question was asked as follows:-

I must start by saying I am quite frankly amazed that you have no authority over BT given that they are spending Government grant and I wonder where the final decision rests on this, but thank you for that, and beyond all that technical speak, which we often hear, I think we need to pause to remind ourselves that these issues translate into real people leading real lives while they are doing their very best to earn a living despite a very uneven playing field. I will give you three brief examples.

David Major is a financial adviser living in Dale Abbey. He finds it almost impossible for his clients to have documents delivered online. He dreads the exams he must take several times a year online, which his career depends upon.

Michael Rosenblom is an American television executive who divides his time between New York and Dale Abbey but cannot do programmes that need to be approved by the broadcast.

Nick Jackson is in the fashion trade. He recently found himself having to order a large number of garments without having had sight of them because his Skype connection simply could not sustain an image.

These are just the tip of a huge iceberg in our village, Mr Chairman. As Chair of the Joint Working Board could Councillor Collins explain his commitment to a 100% broadband coverage across Derbyshire based on communities rather than postcodes?

Councillor Collins responded as follows:-

The programme was never going to hit 100%, I think it is 98% if memory serves me right. I am pleased you think we have authority over private companies that we can just go in and instruct them that they do something. I am sorry but we can't. State Aid clearly sets out rules that we can't do and if we are propping up private businesses it is a waste of taxpayers' money. You have heard today that people want taxpayers' money spending on things throughout the county.

Following discussions, the Government has committed to giving access to a broadband service with at least 2Mb download speed at every premise in the UK from the end of 2015. As part of this commitment, BDUK has initiated a voucher scheme which can be redeemed with independent suppliers of wireless and satellite for eligible premises. More information is available via the Digital Derbyshire website. You may consider reviewing 3G and 4G mobile coverage via the Ofcom website as well.

All I can reiterate is, we are governed by State Aid rules, we are abiding by them and when we can get it in the programme we will. If we move yours up the list I will have somebody else stood there next week saying "I want mine moving back up the list". We can only deliver what BT can deliver. Unfortunately, there are multiple providers out there but only BT who ever come forward for the contract. That is because such as Sky or Virgin, they don't want to put the infrastructure in. They are quite happy taking the money off it when the infrastructure is put in but they don't want to put the hard work in to get it there, so unfortunately all I can say is we will talk with BT when the programme is rolling out and we will see if it can come in at the same time as the commercial sector but that is all we can do, we can't force them to do anything.

45/16 RECEIPT OF PETITIONS There were no petitions to report.

46/16 APPOINTMENTS TO THE POLICE AND CRIME PANEL
At the Annual Council meeting the County Council approved the appointment of Councillor Julie Hill to the Panel as a County Council representative and also Councillor J Frudd as a co-opted member.

The composition of the Panel was such that two further co-opted members were required to be appointed and Councillors S Ellis and K P Morgan had been nominated to fill these vacancies.

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

RESOLVED that Councillors S Ellis and K P Morgan be appointed to serve on the Derbyshire Police and Crime Panel.

47/16 APPOINTMENT TO THE INDEPENDENT REMUNERATION PANEL At the Council meeting held on 18 April 2012, it was agreed that members of the Remuneration Panel should be allowed serve for up to two terms of office of four years. Ian Orford was the current Chair of the Panel and his first term of office was due to expire in September 2016. It would be helpful to secure Mr Orford's continuation in office in view of his experience and to provide continuity on the Panel and Mr Orford had indicated that he would be willing to continue for a second term. The Council was therefore requested to confirm his appointment.

Independent Remuneration Panel members were paid a set allowance of £125.00 per meeting attended. The Chair of the Panel took additional responsibility for arranging meetings, liaising with the County Council, preparing reports and presenting them to the Council. To reflect the responsibilities of the role, it was proposed that the Chair of the Panel be paid an additional annual allowance of £250.00.

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

RESOLVED (1) that Ian Orford be appointed to the Independent Remuneration Panel for a second four year term; and
(2) that an additional allowance of £250.00 per annum be paid to the Chair of the Panel.

48/16 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.

49/16 PRESENTATIONS Tricia Clough and Marie Shardlow-Hall of the Women Against State Pension Inequality campaign made a short presentation to the Council about their campaign which was started by five women who met by chance on social media. The campaign highlighted the way that the 1995 and 2011 Pensions Acts had resulted in the generation of women born after the 6 April 1951 being disadvantaged.

The Chair thanks the guests for their presentation.

50/16 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 3 and 24 May 2016.

Councillor Mrs C Cox asked the following question to Councillor A Botham, Cabinet Member for Council Services on Maximising Social Value Through Commissioning and Procurement of Public Services from (Cabinet - 24 May 2016):-

The draft Social Value Strategy, Framework and Procurement Guidance is welcomed. However, corporate tax evasion and avoidance are having a damaging impact on the world's poorest countries and the practice has a negative effect on small and medium-sized companies who pay more tax proportionately. Will you urgently consider that the Council's procurement procedures include a requirement that companies bidding for service and/or works contracts self-certify that they are fully tax compliant in line with Government practice using the standards in PPN 03/14?

Councillor Botham responded as follows:-

The Council already has several questions in its procurement process about the payment of tax. I understand the point you are making with regard to tax avoidance and the role the Council can play in promoting tax justice through the procurement of goods and services. The Council is concerned that businesses, and individuals, should all pay their required taxes.

Officers are reviewing the current PPN 03/14, the Council's general questionnaire and the Christian Aid report on Tax Justice and also reviewing the financial regulations. Any amendment related to tax justice will be covered as part of this review and will be brought back to this Council.

A supplementary question was asked as follows:-

What the timescale is for that review?

Councillor Botham responded as follows:-

The review has already begun and we are working on it. I am assured that the review will report back to this Council by the end of this year.

On the motion of Councillor A Western, duly seconded,

RESOLVED that the report be noted.

51/16 COUNCILLOR QUESTIONS

Question to Councillor A Western, Leader of the Council and Cabinet Member for Strategic Policy, Economic Development and Budget from Councillor S A Spencer

Could the Leader of the Council update members on her response to the Secretary of State for Transport with reference to the Ashbourne Bypass?

Councillor Western responded as follows:-

The Chancellor introduced in the 2016 Budget large local major transport schemes' funding. This is a new pot of money that sits alongside the Local Growth Fund and the Secretary of State for Transport who is obviously a Derbyshire MP, Patrick McLoughlin, did contact the Council to alert us to this fact and it being a potential solution to the chronic traffic congestion problems around Ashbourne, so we have taken up that offer and we are putting forward a submission that will go via the D2N2 Local Enterprise Partnership and feed into the

schemes that are submitted under the name of the LEP by the 21 July. That is the process that is going on at the moment.

I have thanked the Secretary of State for raising the issue. He is aware that we are putting this forward. It was discussed in principle at the last meeting of the Local Enterprise Partnership with a view that it is going forward. After that the ball will be in the Government's court because it will be up to them to decide which schemes get funded and which don't. That is the latest position

A supplementary question was asked as follows:-

I very much welcome the statement made by the Leader of the Council with reference to the Ashbourne bypass and I thank her for her assistance. With regard to the answer received, Chairman, if you will just indulge me for a moment because it is relevant. Some nine months ago, Derbyshire Dales District Council granted planning permission for a travellers' site on the route that this bypass could possibly take. This was highlighted in the correspondence from this Highways Department to Derbyshire Dales District Council, which they chose to ignore.

Given that, and given the statement that the Leader of the Council has made, would it not be prudent for this Authority to suspend negotiations with a possible lease of that land to allow the feasibility study that has been submitted by the LEP? We wait for an answer, in other words before we compromise the application by allowing a lease to be given to another party on a route that has been identified and identified by our own department here. Could she assure me that that would be a sensible option?

Councillor Western responded as follows:-

It all becomes clear, doesn't it what the question is really about, it is about certain people in Ashbourne not liking the thought of a travellers' site there. I am sure as this submission goes forward officers will bear in mind that situation but I am not in a position to offer any assurances one way or the other on that and it will be what it will be. I think it is very disingenuous to conflate those two issues in that way in a question like this.

52/16 NOTICES OF MOTION

(1) Moved by Councillor Mrs I Ratcliffe, duly seconded

The Council calls on the Government to make fair transitional arrangements for all women born on or after 6 April 1951 who have unfairly borne the burden of the increase to the State Pension Age

(SPA). Hundreds of thousands of women had significant pension changes imposed on them by the Pension Acts of 1995 and 2001 but were not notified of the changes until relatively recently. Some women were not notified until two years ago of a six-year increase in pension age. Women born in the 1950s are bearing a disproportionate cost of Conservative plans to reduce state spending.

Many women born in the 1950s are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially due to the Tories' ideological drive to reduce the cost of the state. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure after finishing work. It is not the pension age itself that is disputed - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected.

The Council calls upon the Government to reconsider transitional arrangements for women born between 1951 and 1955 so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

It was moved by Councillor K P Morgan, duly seconded, that the motion be amended to read –

The Council calls on the Government to make fair transitional arrangements for all women born on or after 6 April 1951 who have unfairly borne the burden of the increase to the State Pension Age (SPA).

The Council calls upon the Government to reconsider transitional arrangements for women born between 1951 and 1955 so that women do not live in hardship due to the pension changes they were not told about until it was too late to make alternative arrangements.

Councillor Morgan's proposed amendment was put to the vote and declared to be LOST.

Councillor Ratcliffe's motion was put to the vote and declared to be CARRIED. At the request of at least 5 Members, a recorded vote was taken and recorded as follows:-

For the motion (39) - Councillors D Allen, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S Brittain, D Collins, Mrs C M Cox, J A Coyle, R Davison, 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, P Jones, Mrs K D Lauro, S Marshall-Clarke, D McGregor, 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, J G Williams and B Wright.

Against the motion (15) - Councillors S J Bradford, 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, D H Taylor, Mrs J A Twigg and D Walton

Abstained (4) – Councillor Mrs E Atkins, D Lomax, K P Morgan and S A Spencer.

RESOLVED that the Council calls on the Government to make fair transitional arrangements for all women born on or after 6 April 1951 who have unfairly borne the burden of the increase to the State Pension Age (SPA). Hundreds of thousands of women had significant pension changes imposed on them by the Pension Acts of 1995 and 2001 but were not notified of the changes until relatively recently. Some women were not notified until two years ago of a six-year increase in pension age. Women born in the 1950s are bearing a disproportionate cost of Conservative plans to reduce state spending.

Many women born in the 1950s are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially due to the Tories' ideological drive to reduce the cost of the state. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure after finishing work. It is not the pension age itself that is disputed - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected.

The Council calls upon the Government to reconsider transitional arrangements for women born between 1951 and 1955 so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.

(2) Moved by Councillor S A Spencer, duly seconded

Supporting small local retail businesses is a priority, particularly given the importance to the local tourism economy.

Recognising that the introduction of on-street parking charges can have a negative impact on trade, we propose that Derbyshire County Council cancels any proposals for the implementation of any on-street parking charges.

Furthermore, a review should be carried out on the areas where on-street parking charges have already been introduced.

Councillor Spencer'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 (17) – Councillors Mrs E Atkins, S Bull, K Buttery, Mrs L M Chilton, S J Ellis, M Ford, Mrs C A Hart, B Lewis, D Lomax, W Major, K P Morgan, R A Parkinson, Mrs J E Patten, S A Spencer, D H Taylor, Mrs J A Twigg and D Walton

Against the motion (39) - Councillors D Allen, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S Brittain, D Collins, Mrs C M Cox, J A Coyle, R Davison, 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, P Jones, Mrs K D Lauro, S Marshall-Clarke, D McGregor, 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, J G Williams and B Wright.

Abstained (0)

53/16 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 – Planning Committee held on 11 April 2016
- (b) Standards Committee held on 4 May 2016
- (c) Pensions and Investment Committee held on 16 March, 11 and 27 April 2016
- (d) Audit Committee held on 10 May 2016
- (e) Improvement and Scrutiny Committee – People held on 18 May 2016

- (f) Improvement and Scrutiny Committee – Places held on 18 May 2016
- (g) Improvement and Scrutiny Committee – Health held on 16 May 2016
- (h) Derbyshire Police and Crime Panel held on 24 March 2016