

PUBLIC

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL** held on 24 May 2017 at County Hall, Matlock

PRESENT

Mr S Freeborn (in the Chair)

Councillors T Ainsworth, D Allen, R Ashton, K S Athwal, J Atkin, N Atkin, Mrs E Atkins, S A Bambrick, N Barker, B Bingham, Mrs S L Blank, J Boulton, S Brittain, S Bull, S Burfoot, K Buttery, Mrs D W E Charles, Mrs L M Chilton, J A Coyle, A Dale, Mrs C Dale, J Dixon, Ms H Elliott, R Flatley, Mrs A Foster, Mrs A Fox, J A Frudd, K Gillott, A Griffiths, Mrs L Grooby, Mrs C A Hart, G Hickton, R Illiffe, Mrs J M Innes, T A Kemp, T King, B Lewis, W Major, P Makin, S Marshall-Clarke, D McGregor, R Mihaly, P Murray, G Musson, R A Parkinson, Mrs J E Patten, J Perkins, Mrs I Ratcliffe, B Ridgway, C Short, P J Smith, S A Spencer, A Stevenson, S Swann, D H Taylor, Mrs J A Twigg, M Wall, Ms A Western, G Wharmby, Mrs J Wharmby, Ms R Woods and B Wright.

23/17 **APPOINTMENT OF CHAIRMAN** On the motion of Councillor B Lewis, duly seconded,

RESOLVED that Councillor Mrs L M Chilton be appointed Chairman of the County Council for 2017-18.

Councillor Mrs L M Chilton (In the Chair)

24/17 **APPOINTMENT OF VICE-CHAIRMAN** On the motion of Councillor Mrs J A Twigg, duly seconded,

RESOLVED that Councillor G Wharmby be appointed Vice-Chairman of the County Council for 2017-18.

25/17 **APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors M Ford and C R Moesby.

26/17 **DECLARATIONS OF INTEREST** Councillor Ms A Western declared a personal interest in agenda item 12(b) – Members' Allowance Scheme and left the room during the discussion on this item.

27/17 **CHAIRMAN'S ANNOUNCEMENTS** The following announcements were made:-

- (a) The Chairman welcomed pupils from the Heritage School to the meeting.
- (b) The Chairman reported the deaths of former County Councillors Gill Farrington and Ken Lescure.

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

- (c) Alison Boyce, Senior Community Safety Officer and Rob Bounds, Senior Transport Officer attended the meeting to receive the Workplace Equality Index East Midlands Network of the Year Award.

28/13 **APPOINTMENT OF LEADER** On the motion of Councillor S A Spencer, duly seconded,

RESOLVED that Councillor B Lewis be appointed Leader of the Council for 2017-21.

29/13 **CABINET APPOINTMENTS, PORTFOLIO
RESPONSIBILITIES, COMMITTEE MEMBERSHIP AND
APPOINTMENTS TO OUTSIDE BODIES** The Director of Legal Services presented a report setting out the proposals of the Leader with regard to Cabinet Members, portfolios and the Deputy Leader appointment for 2017-18.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) note the proposed appointment by the Leader of the Council of the Cabinet, Deputy Leader and Deputy Cabinet Members, along with the associated Cabinet portfolio responsibilities as detailed in the Appendix to the report; and

(2) approve the schedule of appointments to the Council's Committees and Sub-Committees as detailed in the Appendix to the report.

30/17 **MINUTES** On the motion of Councillor Mrs L Chilton, duly seconded,

RESOLVED that the minutes of the meeting of Council held on 8 February 2017 be confirmed as a correct record.

31/17 **PRESENTATIONS** There were no presentations to Council.

32/17 REPORT OF THE LEADER OF THE COUNCIL Councillor B Lewis, Leader of the Council, reported on the direction of travel for new administration, the growing power of the West Midlands Combined Authority and its elected Mayor and the opportunity to explore new relationships as Nottinghamshire had a new Leader and other councils had consolidated their position. The Council would also be advancing plans for a referendum for Chesterfield residents.

There were no questions on the report.

33/17 PUBLIC QUESTIONS

(a) Question from Liz Potter to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

Please can you give an update of where things stand currently with the Council and INEOS, the shale gas energy company regarding licence agreements?

Councillor Spencer responded as follows:

INEOS was issued a number of petroleum, exploration and development licences in Derbyshire by the Oil and Gas Authority at the end of 2015. Derbyshire County Council has no regulatory power or role in that process which is undertaken at a national level.

At present Derbyshire County Council has received two planning related applications from INEOS. These related to a planning application for the exploration of core well at Bramley Moor Lane, Marsh Lane, Eckington and a prior notification under Part 17(k) of the Town and Country Planning Act (General Permitted Development) Order 2015.

With regard to the planning application it is still at a very early stage. The proposal is for a drilling or exploration well 2.4km deep using a drilling rig that will be up to 60 metres in height. The application also makes provision for the creation of a new vehicular access and on the site infrastructure including offices, welfare cabins, security fencing and car parking. Drilling operations are anticipated to take approximately ten weeks on a 24 hour basis. Once drilling operations have been completed the application proposes the retention of the well and associated infrastructure for approximately a five year period, after which the site would be restored back to agriculture. That is the up-to-date state of play. Thank you.

Mrs Potter asked a supplementary question as follows:

What is the view of the Council on fracking for shale gas and on cleaner energy sources?

Councillor Spencer responded as follows:

I am sure you will appreciate that every planning application this Authority receives is dealt with in an appropriate fashion. Planning applications are quasi-judicial legislation and it is inappropriate for this Council to take a position on an application before it has been submitted. I am sure there are many councillors in this Chamber who may have a view on the issues you have just related to, but I would expect this Authority to deal with every application on its own merits and deal with it in a totally unbiased fashion. Any councillor expressing a view on those issues prior to the decision and the discussion about a fracking application for this Authority in my view will be excluded from taking part in the planning debate because they will have already compromised their position and compromised the position of the Council, so I cannot possibly give you an opinion of what this Council thinks on an application which will be submitted at a later date.

(b) Question from Marie Crowley to Councillor B Lewis, Cabinet Member for Strategic Leadership, Culture and Tourism

Can you look at the ruling in the Council Constitution concerning public questions and please amend it so that it states that ALL questions submitted by members of public to Council meetings will be read out and ALL responses to the questions, whether the person is in attendance or not, will also be given publicly at the Council meeting. What happens at present is that the Constitution states that it is only the questions from the public who are actually in attendance at the meeting that get given an actual response during the Council meeting itself, and answers to non-attendees are replied to in an email. If all answers could be given publicly, this would be so much better for openness and transparency and ensure that all questions from members of the public and all the answers from both members of the public who attend and who can't attend are in the public minutes as well.

Councillor Lewis responded as follows:

I appreciate the sentiment about openness and transparency and I am sure that Mrs Crowley will agree that the facility for members of the public to ask questions at Council meetings serves a very useful purpose. The constitution, in fact, provides discretion to the Chairman about whether or not questions are read out in the absence of the questioner and about whether or not answers are provided in public. I am sure that the Chairman will bear the question in mind in the future

and that we can rely on her to exercise her discretion in a positive fashion. Thank you, Chairman.

(c) Question from David Shipman to Councillor S Spencer, Cabinet Member for Highways, Transport and Infrastructure

Will the new Conservative-led County Council please give their views on how they see HS2 in Derbyshire and also say whether they will be joining with the majority of members of their Party in recognising that HS2 is in fact the lowest priority and the most hated policy, highlighted by the recent poll of Tory Party members?

Councillor Spencer responded as follows:

I have issued a press release with regard to a question tabled in a very similar fashion yesterday. HS2 is a Government project and the decision about the future of schemes are matters for Government and not for Derbyshire County Council. We believe the best deal for Derbyshire will be achieved by working with Government to maximise the economic benefits and minimise the adverse impacts on the scheme that affects Derbyshire residents. Thank you.

34/17 PETITIONS There were no petitions to report.

35/17 DEVELOPMENT OF THE COUNCIL PLAN The Chief Executive informed Council of the timetable for the development of the new Council Plan for 2017 onwards.

Work was being undertaken within the Council to develop a new Council Plan which would clearly establish and communicate the Council's ambitions and priorities to a wide range of stakeholders including members of the public, service users, Elected Members, employees, businesses and partner organisations.

Following development of the draft Plan, consultation with stakeholders would take place with the results being fed into the development of the final Council Plan, which would be brought to Council in September for approval. New Service Plans, setting out how each department would deliver the priorities outlined in the new Council Plan, would be drawn up alongside the development of the Plan.

The Council Plan and Service Plans would be reviewed and refreshed on an annual basis to ensure that they continued to reflect the priorities of the Council and remained fit for purpose.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to note the timetable for developing the Authority's new Council Plan for 2017 onwards.

36/17 MEMBERS' ALLOWANCES SCHEME Council considered a joint report of the Chief Executive, the Director of Legal Services and the Director of Finance and ICT which proposed interim Members' Allowances arrangements following the change in administration until the Independent Remuneration Panel's report on the Scheme was produced and considered by Council later in the financial year.

The Cabinet structure had been amended to reflect changing needs and priorities. Details of the proposals were attached at Appendix 1 to the report and the main changes were as follows:

- Reduction of Special Responsibility Allowance (SRA) for Deputy Leader from 80% to 75%
- Reduction of SRA for Cabinet Members from 60% to 50% whilst increasing the number of positions from four to five
- Deletion of Deputy Cabinet Member role and creation of Cabinet Support Member role. The SRAs for these positions would be reduced from 30% to 26%
- Agree the implementation of the recommendation made in previous reports from the Independent Remuneration Panel to increase the SRA for the Leader of the Opposition to 45%.
- No change to the Basic Allowance.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED to (1) agree the interim Members' Allowance proposals contained within the report with effect from 24 May 2017; and

(2) receive a further report following receipt of the report of the Independent Remuneration Panel.

37/17 WAIVER OF THE CALL-IN PROVISIONS On the motion of Councillor B Lewis, duly seconded,

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

38/17 REPORT FROM CABINET AND MEMBERS' QUESTIONS ON THE REPORT Councillor B Lewis, Leader of the Council, presented a report on the decisions that had been taken at meetings of Cabinet held on 31 January, 21 February, 14 March and 4 and 25 April 2017.

There were no questions on the report.

On the motion of Councillor B Lewis, duly seconded,

RESOLVED that the report be noted.

39/17 COUNCILLOR QUESTIONS

There were no Councillor questions.

40/16 MINUTES OF MEETINGS OF COMMITTEES AND OTHER BODIES

On the motion of Councillor Mrs L M Chilton, duly seconded,

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

- (a) Regulatory – Licensing and Appeals Committee held on 27 February 2017
- (b) Regulatory – Planning Committee held on 6 and 17 March and 10 April 2017
- (c) Pensions and Investment Committee held on 7 February and 20 March 2017
- (d) Audit Committee held on 7 February and 28 March 2017
- (e) Standards Committee held on 22 March 2017
- (f) Improvement and Scrutiny Committee – Resources held on 7 February 2017
- (g) Improvement and Scrutiny Committee – People held on 1 March 2017
- (h) Improvement and Scrutiny Committee – Places held on 14 March 2017
- (i) Improvement and Scrutiny Committee – Health held on 6 March 2017
- (j) Health and Wellbeing Board held on 5 January and 16 March 2017
- (k) Derbyshire Police and Crime Panel held on 26 January, 23 March and 13 April 2017
- (l) Derbyshire Fire and Rescue Authority held on 23 February 2017.