

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 15 May 2013 at County Hall, Matlock

PRESENT

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, W Burrows, 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, 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, A I Lewer, B Lewis, D W Lomax, M V Longden, S Marshall-Clarke, W Major, R R Mihaly, C R Moesby, K P Morgan, 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, Mrs J A Twigg, D Walton, Ms A Western, D J Wilcox, Ms E S Wilcox, D A Williams, J G Williams and B Wright.

20/13 **APPOINTMENT OF CHAIR** On the motion of Councillor Ms E S Wilcox, duly seconded

RESOLVED that Councillor D J Wilcox be appointed Chair of the County Council for 2013/14.

(Councillor D J Wilcox - in the Chair)

21/13 **APPOINTMENT OF VICE-CHAIR** On the motion of Councillor Ms Julie A Hill, duly seconded

RESOLVED that Councillor Mrs Janet A Hill be appointed Vice-Chair of the County Council for 2013/14.

22/13 **APOLOGIES FOR ABSENCE** Apologies for absence were submitted on behalf of Councillors Mrs K D Lauro, D McGregor and M Tomlinson.

23/13 **DECLARATIONS OF INTEREST** The following declaration of interest was made:-

Councillor A I Lewer declared a pecuniary interest in Agenda item 22(i) – Members Allowances Scheme as a Member directly affected by the proposals and left the meeting during consideration of this item.

24/13 CHAIR'S ANNOUNCEMENTS

announcements were made:-

The following

(1) The Chair reported the death of former County Councillor Janet Birkin who was Conservative Member for the Walton and West Division from 1989 to 1993; and former County Councillor Ronald Bedford Waterhouse who was Conservative Member for the Wirksworth Division from 1981 to 1985.

At the invitation of the Chair, Members stood in silent tribute to their memory and a number of tributes were made.

(2) The Chair reported that Mr N Hodgson, the Council's Chief Executive, was to leave the Authority at the beginning of June. Mr Hodgson had worked for the Council for 38 years, the last 16 as Chief Executive. The Chair stated that he would not invite Members to express their gratitude today for Mr Hodgson's long and loyal service to the Council since there would be another opportunity to do that at a later date. The Chair thanked Mr Hodgson on behalf of the Council for the enormous contribution which he had made to the work of the Council over many years.

(3) The Chair reported that confirmation had been received that the Government had earmarked £4.574 million for the Ilkeston Rail Station development as part of the Department of Transport's New Station Fund.

25/13 APPOINTMENT OF LEADER On the motion of Councillor K Gillott, duly seconded

RESOLVED that Councillor Ms A Western be appointed Leader of the Council for 2013/17.

Councillor Ms Western thanked Council and made a statement on the key priorities to be focussed upon over the coming years.

**26/13 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 Designate with regard to Cabinet members, portfolios and the Deputy Leader appointment. In addition, Council was asked to approve the terms of reference of Local Area Committees, the new Pensions and Investments Committee and the Health and Wellbeing Board; and the schedule of appointments to Committees.

On the motion of Councillor Ms A Western duly seconded,

RESOLVED (1) to note the Leader's appointments to Cabinet and the portfolio responsibilities;

(2) to note the proposed appointment of Deputy Cabinet Members;

(3) to approve the terms of reference of Local Area Committees, the new Pensions and Investments Committee and the Health and Wellbeing Board; and

(4) to approve the appointments to Committees and Sub-Committees and the appointments to serve on outside bodies.

27/13 PUBLIC QUESTIONS

Question to Councillor D Allen, Cabinet Member for Health and Communities from Mr Brian Lucas -

With Derbyshire County Council now having responsibilities for Public Health will the Council Leader or appropriate Cabinet member please detail what the priorities will be for this new council with areas in Derbyshire like the Cotmanhay community in Ilkeston which for far too many years have been identified and labelled an area of social deprivation or being a disadvantaged area which with statistical evidence and health information proves that life expectancy is less than those in the more affluent areas of Derbyshire, do you believe these imbalances can be addressed?

Councillor Allen responded as follows:-

The quick answer to that is yes, but I will expand a bit more on that because I know you will have a return question. As you know the Public Health budget came into the responsibility of the County Council from the 1 April, something like a £34m ring-fenced budget. I don't think we can do a lot with that. If you look in our manifesto, and I will just read odd lines on this, it talked about, as you implied in your question:

"There are massive unacceptable differences between areas where people enjoy the best of health and those people who don't. For example, there is a gap of 20 years in life expectancy between different parts of Derbyshire."

The bit that is relevant here: "We must target the resources we have to reduce this gap." I think that will underpin all that we are going to do.

The report from the Director of Public Health has only just been produced and it is well worth reading. I will quote odd bits from this but talk generally about it. "Public health covers every aspect of life...". When you read this you realise it is before birth, through birth, through childhood and right through to your demise.

If you look at things like teenage pregnancies they are higher in the Erewash area. They talk about things like vaccinations – again this is an area which is very topical at the moment. You look at breastfeeding, which again shows there is a difference within the county and again nationally, we are doing quite well but they still need to produce that because it is clear that breastfeeding and such things is beneficial to the children.

The report talks then about school age children. It talks about Breakfast Clubs which is an area we need to look at very seriously. We need to look at things that affect people, particularly younger people. We have obesity which is a major problem in the county, as it is nationally. You have things like diabetes, which again reduces life expectancy. Heart disease - again that is mentioned very strongly. In lifestyles it talks about getting people to be more active and that sort of thing, things to encourage activities. COPD which is often a result of employment in things like mines and that in older people. Again the big one which everyone quotes is smoking, which again is too high, and people need support and help to reduce that.

The other things it talks about are things like falls, which again is a very relevant point. Again the report talks about: "10% of hip fractures die within 30 days and 30% will die within a year." Again the whole push towards healthy living, looking at falls as a major issue.

It also says in the report that 1:5 children under 16 in Derbyshire live in poverty and youth employment is over 20%. I know I have mentioned obesity but I have the figure. In Erewash it has gone up from 2007 to 2012 looking at the graph between 23 and 27%.

There is obviously a lot to be done. I am sure within the report, within the portfolio I have to Chair the Health and Well-Being Board and with Cabinet members looking at both younger people and older people we will be able to work together to spend what we can of this money. Obviously some of this is tied into contracts, some expire later this year, some next year, but we will clearly look very strongly at these contracts and if we can move money around to where it is more advantageous for

the people we want to in the areas that you mention then we will certainly do that.

A supplementary question was asked as follows:-

There is a lot of information there. When I left this Authority I did say that I would be putting a public question forward. I did not know what it was but I did make my mind up on Friday that it would be on public health and the effects it has on communities within Derbyshire.

For 26 years I represented the very proud community of Cotmanhay and was proud to do so myself, but it is noticeable that communities like that have not moved on when other more affluent communities have and that has affected their health.

There are a number of issues there and ideas that I think could go out. I would like to ask if you would consider having public roadshows on this because it is all well and good being in this ivory tower talking to people who are sitting here at meetings but it is people out there who need to be attracted into these meetings so that they can understand what these health issues are, and I mean understand it, because I am convinced that a number of them out there do not realise what is happening to their health.

The question is, Chair, would you consider taking roadshows out to these communities and making those people their priority in attracting them to those meetings to explain what is happening?

Councillor Allen responded as follows:-

I have certainly said, as I have said initially to the basic question yes, and I think the answer to that is yes. I think this report is out, it is a public document and I think it would be worth you getting a copy of that and reading it.

The other thing I was still going to say before I knew what your second question was is that I would certainly be happy to come and talk to people in Cotmanhay and yourself and any other groups. I think you in a sense have expanded that to say we need to go out and consult and ask people seriously what they think about this report and what they think of our ideas, so the road show bit I will categorically say yes, we will do something along those lines. The thing we need to do is get people to go to them because you know in many instances public meetings are not that sexy and they don't get people who attend so we need to make sure it is relevant to people, make them feel that yes we are actually going to listen and do something. You know we have all

been to meetings where you listen to it, go away and nothing happens. I think with Anne's lead we will be committed to actually doing something with this money we have to make a very positive contribution and we will have failed if we don't do that. I certainly don't want to fail.

28/13 COUNCILLOR QUESTIONS

Councillors asked questions as follows:-

Question to Councillor Ms A Western from Councillor D Lomax –

Would the Leader of the Council confirm that the decision to recall the Chair's car on route to pick him up for an engagement on 3rd May was not just a petty, pathetic, pointless, political gesture, and that the role of the Chair over the next 4 years will be limited to civic ceremonial duties and non-political events organised by Derbyshire County Council.

Councillor Western responded as follows:-

This issue was made known to me on Tuesday, 7 May - which was the first working day really of the new term - when the press contacted Councillor Wilcox for a comment on the allegations made by former Councillor George Wharmby. I asked for an immediate investigation because I had no knowledge of the situation at all. On Wednesday, 8 May I received the following response and it reads as follows:

“There are no privileges, as of right, attached to the office of Chair of the County Council. It was felt inappropriate for George Wharmby to continue to represent Derbyshire County Council at events at public expense since he is no longer a County Councillor. The decision was taken by the Chief Executive and Director of Legal Services. He remains as Chair until a new Chair is elected by the Council on May 15th.”

That was the officer response to an officer investigation. Further enquiry has revealed that the official car was cancelled on the instruction of the two senior officers. This was a decision taken quite legitimately by the senior officers and I can state categorically that no influence was brought to bear on this decision by any Labour member. I hope Councillor Lomax will have the good grace to accept that he has made a mistake and retract his comments.

On his second point I can confirm today that the new Chair, as we have already heard of the Council, will be focusing primarily on the business of chairing these meetings effectively and there will be much less emphasis on civic/ceremonial duties. It is not appropriate in the current climate for public money to be spent on the so-called “chain

gang” circuit of civic dinners and social events that do nothing to serve local people, especially when more and more families are reliant on food banks. The Chair’s activities will be focused on supporting the five aims of the Council and in particular the health outcomes that Councillor Wilcox has already referred to.

A supplementary question was asked as follows:-

I am very grateful for those comments. Yes, it was not an intent of taking the “p” alliteration too far in all of this. I am pleased to hear what you have said and that we will continue to work in what we are told is the Derbyshire way of working together for the best interests of our whole community.

Councillor Western responded as follows:-

You can rest assured that we will be working hopefully in an inclusive way. There is a two-way aspect to that, obviously, but we want to work across the county to serve the interests of Derbyshire people as best we all can.

29/13 QUESTIONS ON THE FUNCTIONS OF THE DERBYSHIRE FIRE AUTHORITY No questions had been received.

30/13 COUNCIL MINUTES On the motion of Councillor W Burrows, duly seconded,

RESOLVED that the minutes of the meeting of Council held on 6 February 2013 be received.

31/13 MINUTES OF MEETINGS OF CABINET AND VARIOUS COMMITTEES On the motion of Councillor Ms A Western, duly seconded,

RESOLVED that the minutes of the meetings of Cabinet and various Committees be received.

32/13 MEMBERS’ ALLOWANCES SCHEME The Cabinet structure had been amended and revised Members’ Allowances arrangements were proposed on an interim basis until the Independent Remuneration Panel reported on the scheme later in the year.

RESOLVED (1) that the interim Members allowances proposals contained within the report be agreed with effect from 15 May 2013; and

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

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

For the motion (41) - Councillors D Allen, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S Brittain, W Burrows, 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, Mrs Janet A Hill, Ms Julie A Hill, R L Hosker, Mrs J M Innes, P Jones, S Marshall-Clarke, 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, Ms E S Wilcox, D A Williams, J G Williams and B Wright.

Against the motion (19) – Councillors Mrs E Atkins, S J Bradford, K Buttery, Mrs L M Chilton, S J Ellis, M Ford, Mrs C A Hart, T A Kemp, B Lewis, D Lomax, M V Longden, W Major, K P Morgan, R A Parkinson, Mrs J E Patten, S A Spencer, Mrs J S Street, Mrs J A Twigg and D Walton

Abstained (0)

33/13 AGREEMENT TO WAIVE 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.

34//13 BUSINESS CONDUCTED AT COUNCIL MEETINGS

Changes were proposed to the business to be conducted and the order of business at meetings of the full Council.

It was proposed that, in future, the Leader of the Council present a report to Council on major and strategic issues. Also, it was proposed that Council receive a report from Cabinet detailing, in summary, the decisions taken at Cabinet meetings. This would replace the Cabinet minutes which were currently received by Council. Members would be permitted to ask questions in writing on the items in the report and the deadline for the receipt of questions would be 12 noon on the day prior to the Council meeting. The position in relation of the receipt of other committee minutes by Council was being reviewed.

An item would be included on the Council agenda to allow for presentations by Council departments, voluntary and others organisations on matters of interest to the Council.

The changes proposed above would require a change in the order of business to be conducted at Council meetings as detailed in the Council's Procedure Rules (Part 4 of the Constitution). The proposed revised order of business was as follows:-

- (a) If necessary, the appointment of the Chair
- (b) Chair's announcements
- (c) Questions submitted by the public
- (d) Minutes of the previous meeting
- (e) Report of the Leader of the Council
- (f) Questions submitted by Members
- (g) Motions of which notice has been given
- (h) Report from Cabinet
- (i) Presentations

The Constitution provided that any proposed changes to it should be considered by the Standards Committee and, should Council agree to the proposed changes, a report would be presented to the Standards Committee. Any comments from the Standards Committee would be reported to the meeting of Council on 24 July 2013. If the Standards Committee were to commend the proposals, the proposals will be adopted and the Constitution amended accordingly.

RESOLVED that, subject to consideration by the Standards Committee, the provisions of the Council's Rules of Procedure be amended to provide for:

(1) a report of the Leader of the Council to be included as an agenda item;

(2) a report from Cabinet to be included as an agenda item;

(3) the order of business at Council meetings to be amended as detailed in the report.

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

For the motion (41) - Councillors D Allen, S A Bambrick, Mrs G Birkin, Ms C Bisknell, Mrs S L Blank, Mrs M W Booth, A Botham, S Brittain, W Burrows, 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, Mrs Janet A Hill, Ms Julie A Hill, R L Hosker, Mrs J M Innes, P Jones, S Marshall-Clarke, 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, Ms E S Wilcox, D A Williams, J G Williams and B Wright.

Against the motion (17) – Councillors S J Bradford, K Buttery, Mrs L M Chilton, S J Ellis, M Ford, Mrs C A Hart, T A Kemp, A I Lewer, B Lewis, M V Longden, W Major, R A Parkinson, Mrs J E Patten, S A Spencer, Mrs J S Street, Mrs J A Twigg and D Walton

Abstained (3) – Councillors Mrs E Atkins, D Lomax and K P Morgan.