

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 20 June 2012 at County Hall, Matlock

PRESENT

Councillor G D Wharmby (in the Chair)

Councillors J A Allsop, Mrs S M Allsop, Mrs E Atkins, R B Baldry, Mrs G Birkin, Mrs M W Booth, D Bowley, S J Bradford, W Burrows, D Chapman, A F Charles, Mrs C M Cox, J A Coyle, Ms T Critchlow, J E Dixon, S J Ellis, Mrs G A Farrington, S Flitter, M Ford, K Gillott, J P Harrison, Mrs C A Hart, G K Hickton, R L Hosker, J C Jackson, C W Jones, M Lacey, A I Lewer, B Lewis, M V Longden, B C Lucas, G J E MacDonald, W Major, P Makin, C R Moesby, K P Morgan, P Murray, K L Parkinson, R A Parkinson, Mrs J E Patten, G W Purdy, Mrs G P Reddy, B Ridgway, P J Riggott, A H Rogers, R W Russell, P J Smith, S A Spencer, J N Stevens, K Stevenson, Mrs M Stockdale, D Stone, D B Taylor, Mrs J A Twigg, Ms A Western, Mrs J Wharmby, D J Wilcox, J G Williams and D Wilson.

46/12 APOLOGIES FOR ABSENCE Apologies for absence were submitted on behalf of Councillors D Allen, Ms S Blank and Mrs C Pidgeon.

47/12 DECLARATIONS OF INTEREST There were no declarations of interest.

48/12 CHAIRMAN'S ANNOUNCEMENTS The following announcements were made:-

(1) The Chairman referred to the filming of the meeting's proceedings which was a trial so that, in future, should it be anticipated that there will be a great deal of interest in a particular Council meeting, the proceedings can be filmed and streamed into the Members' Room. The Council welcomed the use of social media, filming and recording at meetings, provided that they do not disrupt or otherwise have an adverse effect on the meeting.

(2) This was the last Council meeting that Peter Purnell and his independent member colleagues on the Standards Committee would attend, as the Council was moving to new arrangements for maintaining standards of conduct by Members. Members wished to place on record

their appreciation for their contribution to the work of the Standards Committee over the last 10 years.

(3) The Chairman outlined some of the events that he had participated in as part of The Queen's Diamond Jubilee celebrations.

49/12 PUBLIC QUESTIONS There were no public questions.

50/12 COUNCILLOR QUESTIONS Councillors asked questions as follows:-

(1) Question to Councillor J P Harrison, Cabinet Member for Finance and Management from Councillor D J Wilcox.

How many people were employed by Derbyshire County Council in May 2009, May 2010, May 2011 and how many are employed by the County Council either today or were employed in May 2012? (I should be grateful for details of both numbers employed and full time equivalents. A response in tabular form would be most helpful).

Councillor Harrison responded as follows:-

The answers are as follows and they are all available on Dnet going back even beyond 2009. They are all quarterly at the end of March/June/September and December, disaggregated by departments, disaggregated between full-time employees and others, i.e. part-time workers and relief workers, by male and female and all of that is there available at your fingertips, so I just announce to you today the answers to the specific questions you have kindly put down.

So at the 31 March 2009, there were 39,200 appointments. Then on the 31 March 2010, 39,100 and in 31 March 2011, 40,100 and in March of this year 39,300, so in that three year period they had only changed by 100.

As far as full-time equivalents were concerned, in 2009 19,200, rising in 2010 to 19,600 and in March 2011 reducing to 18,800 and in March of this year reducing still further to 18,200, a reduction in the full-time equivalent of 5%. As I say all of this information and more is available on Dnet. You simply click on resources followed by HR resources, followed by statistics, and there you will see all of this information displayed beautifully and accurately for your consumption.

There was no supplementary question.

(2) Question to Councillor B Lewis, Cabinet Member for Young People from Councillor Mrs G P Reddy.

It was gratifying to note that Councillor Western was quoted as being 'delighted' in the Derbyshire Times with our final proposals for the New Youth Offer. The recent consultation carried out by DCC as part of the New Youth Offer was of an extremely high quality, where the views of nearly 4,000 people, 2,500 of them young people were taken into account. Their views have clearly shaped the final proposals creating what is recognised as the biggest transformation of youth services this County has seen for over 30 years and have been widely commended for their quality and breadth. Many officers worked hard and diligently to make this consultation and the subsequent final proposals a success and I'm sure Labour would like to recognise that fact at some point in today's proceedings.

After much political hyping purely for political gain and creating unnecessary worry for our part-time youth workers and leading to a damaged relationship between the Labour Party and our highly skilled and qualified partners in the voluntary, community and independent sectors, does Councillor Lewis agree that Labour should now seek to rebuild bridges? And that senior officers, Multi-Agency Teams, youth workers and VCI partners deserve the support of all Members of this Council to deliver these exciting proposals for Derbyshire's young people?

Councillor Lewis responded as follows:-

Yes, I do think they need to build bridges. Indeed, I think the way they behaved during the whole consultation exercise was deplorable. They behaved in a way that did not have the best intentions for any affected group that they claimed they were representing, acting for, instead in a way that was designed to maximise publicity for their Party.

Over the last few months I have come across many people involved in the VCI sector who were at the very least sympathetic to Labour politics, or even card carrying members of the Party who said they welcomed what I was trying to achieve. I have been congratulated recently by several who said they were glad I could see past the petty politics of their own Party. I know the Labour Party know this but I doubt they will admit it publicly. Thankfully most of their own members outside of this Chamber are more reasonable than the misguided militant Labour Group opposite.

They describe the VCI sector, our biggest deliverer of youth activities as "limping along from one handout to the next". Consistently

they insinuated that the VCI sector could not and would not deliver and were woefully lacking in qualifications, skills and training. Quite apart from being the Party who would like to keep things the same they are the Party that dislikes communities and community groups that help themselves. Big State Labour has shown Derbyshire it is the Party incapable of change, the Party buried deep in 1970s style socialist politics. It is all rather like life on Mars round here. They showed their lack of knowledge about this important sector and what they were capable of. What this consultation has proved beyond any doubt is that this is a qualified skilled trained sector that not only does deliver but wants to deliver more and is ready to deliver.

Most critically where Labour has done most damage is with our own staff. They have unashamedly scare mongered creating a climate of fear to meet their own political ends. If one reads the 13 December Cabinet paper not once does it say that there would be compulsory job losses, they took a vague possibility and did all they could to make it seem a reality to serve their own warped political ends. They told communities that their buildings would go; that their community resources would be sold from under them leaving them utterly bereft of facilities. They tried to paint a picture of towns and villages where tumbleweed rolled in the streets and disruptive youths lurked at every street corner causing trouble. They tried to sell the idea that one Monday morning all these buildings would be shut, something they know never would happen. How disingenuous. How dishonest and how shameful. Most shamefully Labour tried to deprive the young people of Derbyshire of getting a better Youth Service by their behaviour. Now it is time to get behind us in creating a better Service or just simply get out of the way.

A supplementary question was asked as follows:-

Given their selfish and unprofessional behaviour, does Councillor Lewis agree that the Labour Party should apologise?

Councillor Lewis responded as follows:-

Indeed I do. I think they owe an apology to all our staff, the VCI sector, and most importantly to the young people and families of Derbyshire who they tried to scare and misled by their tactics. They were led in this by Councillors Western and Charles and they should apologise I think too to their own Party for their petty misguided game of politics that they tried to play with young people's lives and for leading their Party into disrepute. I really believe that that is what they have done.

Councillor Charles, now the Labour ticket for the Police and Crime Commissioner in Derbyshire, should in particular apologise for trying to deprive the people of Derbyshire of a better equitable youth offer that benefits all our communities.

(3) Question to Councillor B Lewis, Cabinet Member for Young People from Councillor Mrs S M Allsop.

We have heard much from the opposition about u-turns recently, particularly with regard to the New Youth Offer. I am aware of a notable u-turn involving schools in Dronfield in recent years, which I am sure Councillor Charles will remember well. Are there not other incidences of so called 'u-turns', past and present that the Labour party in Derbyshire are responsible for?

Councillor Lewis responded as follows:-

Councillor Charles when he was Cabinet Member for Education wanted to close four Dronfield schools and merge them. However, there was considerable local opposition to his plans so he did a U-turn, a straight unashamed 180° U-turn. Did not even get close to his list of options. Then there was the costly Local Education Partnership. Councillor Charles and his Party here recognise that to deliver the BSF programme this would be a costly and bureaucratic exercise and they did not want nor did they have to create one. They told the people of Derbyshire they would not have one and then their Government said "Jump". They said "How high?" and then did a complete 180° U-turn.

More recently, whilst I in no way criticise this one, Chesterfield Borough Council listened to its local residents who were clear about wanting that iconic crooked spire as a logo reinstated on their town's signs. Now was that a U-turn or was that listening to the public? I describe it as listening and I am sure we would as well. That is what a good Council should do after all. I am sure that Councillor Western would label this by her own definition a U-turn.

Earlier this year Chesterfield Borough Council were going for a 3.5% Council Tax rise until they listened to residents. Councillor Western, in her own definition, that would make this a U-turn. I would call it quite sensible in the current economic climate as being precipitated by the mismanagement of our economy by her Government. Interesting that throughout our consultation they said it was a "sham" consultation" (Councillor Allen's favourite quote, unfortunately he is not here today) at stakeholder events and here in this Chamber yet suddenly it is a U-turn. You can't have it both ways.

A supplementary question was asked as follows:-

In the case of the education LEP is it not the case that in the years subsequent to Councillor Charles' decision to do a complete about face the latter proved to be very costly for Derbyshire?

Councillor Lewis responded as follows:-

Indeed it is the case it has so far cost this Authority around £10 million, money that is lost to our schools, so not only did he do a U-turn he did not even have the courage of his own convictions to stick with his original good intention, instead left it to my colleague, Councillor Longden, to pick up the pieces. This is why I shall not be taking instruction from Councillor Charles, nor his Party, on how to proceed with a new Youth Offer. They will not get in the way of this administration delivering what is a bigger better Youth Service for the young people of Derbyshire

51/12 QUESTIONS ON THE FUNCTIONS OF THE DERBYSHIRE POLICE AUTHORITY AND THE DERBYSHIRE FIRE AUTHORITY

No questions had been received.

52/12 COUNCIL MINUTES On the motion of Councillor G D Wharmby, duly seconded,

RESOLVED that the minutes of the meeting of Council held on 18 April 2012 be approved as a correct record and signed by the Chairman.

53/12 CABINET On the motion of Councillor A I Lewer, duly seconded,

RESOLVED that the minutes of the meetings of Cabinet held on 3 and 24 April, 15 and 29 May and 12 June 2012 be received and adopted.

54/12 REGULATORY – LICENSING AND APPEALS COMMITTEE On the motion of Councillor R A Parkinson, duly seconded,

RESOLVED that the minutes of the meeting of the Regulatory – Licensing and Appeals Committee held on 21 May 2012 be received and adopted.

55/12 **REGULATORY – PLANNING COMMITTEE** On the motion of Councillor M Ford, duly seconded,

RESOLVED that the minutes of the meetings of the Regulatory - Planning Committee held on 2 and 30 April 2012 be received and adopted.

56/12 **PENSIONS COMMITTEE** On the motion of Councillor P Makin, duly seconded,

RESOLVED that the minutes of the meetings of the Pensions Committee, as administering authority and as employing authority, held on 27 March, 2 and 31 May 2012 be received and adopted.

57/12 **STANDARDS COMMITTEE** On the motion of Mr P Purnell, duly seconded,

RESOLVED that the minutes of the meeting of the Standards Committee held on 25 May 2012 be received and adopted.

58/12 **AUDIT COMMITTEE** On the motion of Councillor S J Bradford, duly seconded,

RESOLVED that the minutes of the meeting of the Audit Committee held on 20 March 2012 be received and adopted.

59/12 **IMPROVEMENT AND SCRUTINY COMMITTEE – PEOPLE** On the motion of Councillor Mrs G A Farrington, duly seconded,

RESOLVED that the minutes of the meeting of the Improvement and Scrutiny Committee – People held on 2 May 2012 be received and adopted.

60/12 **IMPROVEMENT AND SCRUTINY COMMITTEE – RESOURCES** On the motion of Councillor P Murray, duly seconded,

RESOLVED that the minutes of the meeting of the Improvement and Scrutiny Committee – Resources held on 24 May 2012 be received and adopted.

61/12 **IMPROVEMENT AND SCRUTINY COMMITTEE – PLACES** On the motion of Councillor Mrs J A Twigg, duly seconded,

RESOLVED that the minutes of the meeting of the Improvement and Scrutiny Committee – Places held on 30 May 2012 be received and adopted.

62/12 MINUTES OF MEETINGS OF THE DERBYSHIRE POLICE AUTHORITY AND THE DERBYSHIRE FIRE AUTHORITY

The Minutes of the meetings of the Derbyshire Police Authority held on 23 February 2012 and the Derbyshire Fire Authority held 15 March 2012 were received.

63/12 NOTICES OF MOTION Council considered Notices of Motion as set out below:-

Motion submitted by Councillor Ms A Western

“This Council welcomes the controlling Conservative Group’s U-turn on youth service provision, which means that Derbyshire County Council will continue to be a direct provider of open-access youth services and will safeguard the jobs of 150+ part-time youth workers.

The people of Derbyshire, and in particular young people, have made their views absolutely clear, with over 16,000 petition signatures and 3,874 consultation responses. The overwhelming majority are fiercely opposed to Councillor Lewis’s plans and the final plans are quite rightly very different to the original proposals.

However, concerns remain about the detail, which will be emerging over the coming months and we therefore propose that:

- (1) Detailed update reports are given by the 4 working groups to every meeting of the Improvement and Scrutiny Committee – People.
- (2) There is early and detailed involvement of local members on any changes to youth services in their divisions.”

The motion was duly seconded.

An amendment to the motion was moved by Councillor D Stone, duly seconded, that the motion be amended to read:-

“This Council welcomes the controlling Conservative Group’s decision which means that Derbyshire County Council will continue to be a direct provider of open-access youth services and will safeguard the jobs of 150+ part-time youth workers.

The people of Derbyshire, and in particular young people, have made their views absolutely clear, with over 16,000 petition signatures and 3,874 consultation responses. The overwhelming majority are fiercely opposed to Derbyshire County Council's plans and the final plans are quite rightly very different to the original proposals.

However, concerns remain about the detail, which will be emerging over the coming months and we therefore propose that:

- (1) Detailed update reports are given by the 4 working groups to every meeting of the Improvement and Scrutiny Committee – People.
- (2) There is early and detailed involvement of local members on any changes to youth services in their divisions."

The Director of Legal Services advised that the wording of the substantive motion was limited to the two proposals as set out at (1) and (2) above.

It was moved by Councillor J P Harrison, duly seconded, that the vote be put.

Councillor Stone'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 (25) - Councillors Mrs E Atkins, Mrs G Birkin, Mrs M W Booth, W Burrows, D Chapman, A F Charles, Mrs C M Cox, J A Coyle, J E Dixon, S Flitter, K Gillott, R L Hosker, B C Lucas, C R Moesby, K P Morgan, B Ridgway, P J Riggott, R W Russell, P J Smith, K Stevenson, Mrs M Stockdale, D B Taylor, Ms A Western, D J Wilcox and J G Williams.

Against the motion (33) - Councillors J A Allsop, Mrs S M Allsop, R B Baldry, D Bowley, S J Bradford, Ms T Critchlow, S J Ellis, Mrs G A Farrington, M Ford, J P Harrison, Mrs C A Hart, G K Hickton, J C Jackson, C W Jones, M Lacey, A I Lewer, B Lewis, M V Longden, G J E MacDonald, W Major, P Makin, P Murray, K L Parkinson, R A Parkinson, Mrs J E Patten, G W Purdy, Mrs G P Reddy, S A Spencer, J N Stevens, Mrs J A Twigg, G D Wharmby, Mrs J Wharmby and D Wilson.

Abstained (1) – Councillor D Stone.

64/12 STANDARDS – NEW ARRANGEMENTS The Localism Act 2011 had brought about changes to the ethical standards regime and Council was asked to agree new arrangements to be effective from 1 July 2012. In summary, the Act:-

- Abolished Standards for England (formerly the Standards Board for England) on 31 March 2012.
- Withdrew the statutory requirement for local authorities to have a standards committee, with effect from 30 June 2012.
- Required local authorities to promote and maintain high standards of conduct by elected and co-opted elected members, adopting a code of conduct and having in place arrangements to investigate alleged breaches of the code (from 30 June 2012).
- Abolished the role of (voting) independent members (from amongst whom the chairmen of standards committees have been elected) and, from 30 June 2012, introduced the new (non-voting) role of independent person of whom there must be at least one.
- Created new criminal offences for members failing to declare or register disclosable pecuniary interests.

The Localism Act removed the statutory requirement for local authorities to have a standards committee but to fulfil the requirements of the Act (promoting high standards of conduct and having in place arrangements to investigate and make decisions on allegations of breach of the code of conduct) most, if not all, authorities would retain a standards committee in one form or another. The composition of standards committees would be governed by political balance unless a local authority voted otherwise with no member voting against. The present restriction on only one member of the executive being permitted to be on standards committees would cease to apply.

It was proposed to recommend that the Council should maintain a Standards Committee. The new Standards Committee would differ from the existing one because its membership would be confined to County Councillors and current independent members would cease to hold office on 30 June 2012. Independent persons would be appointed to attend the meetings. It would be for the Council to appoint the Chairman and Vice Chairman of the Committee. The terms of reference of the Standards Committee would remain largely the same.

Under the Local Government Act 2000, local authorities were obliged to adopt a national model code. The Localism Act repealed the Model Code. Councils would still be required to have a code of conduct though they would have discretion as to what was in it.

The Monitoring Officers from the various local authorities across Derbyshire had worked together with a view to achieving, where possible, a common approach to standards matters across the County. So far as codes of conduct were concerned, it was understood that all of the authorities would be considering a code based on either the Local Government Association (LGA) template or the current national model.

It was considered that the LGA template had the potential for being developed into a new style of code which may suit the Council in the future. In all of the circumstances, it was considered that, at least in the shorter term, the retention of the current Code would be appropriate. An early task for the new Standards Committee would be to consider further the possibility of the Council adopting a new, lighter touch style of code along the lines of the LGA template. Arranging training for members would also be a priority.

The Localism Act required local authorities to adopt arrangements under which complaints of breach of the code of conduct must be investigated. The Derbyshire Monitoring Officers Group had produced a standard procedure which was intended to be streamlined and transparent. A copy was presented.

The Localism Act does not give the Council or its proposed new Standards Committee, any powers to impose on Members, sanctions such as suspension or requirements for training or an apology. So, where a failure to comply with the Code of Conduct was found, the range of actions which could be taken was limited and these permissible sanctions were set out.

On the motion of Councillor A I Lewer, duly seconded,

RESOLVED (1) that with effect from 1 July 2012, a new Standards Committee be established under the Chairmanship of Councillor G K Hickton with Councillor Mrs J E Patten as Vice-Chairman;

(2) to approve the terms of reference of the new Standards Committee as set out in the appendix to the report;

(3) to adopt the Code of Conduct as set out in the Appendix to the report;

(4) to adopt the procedure for considering complaints that Members have breached the Code of Conduct as set out in the Appendix to the report; and

(5) to authorise the Chief Executive, the Director of Legal Services and the Director of Human Resources to commence the process of recruitment of three independent persons for appointment by the Council.

65/12 ANNUAL REPORT OF THE STANDARDS COMMITTEE

Mr Peter Purnell, Chairman of the Standards Committee, presented the Annual Report of the Committee on the work that had been undertaken on the ethical framework during 2011/12.

On the motion of Councillor A I Lewer, duly seconded,

RESOLVED that the report be received.

66/12 AGREEMENT TO WAIVE THE CALL-IN PROVISIONS

On the motion of Councillor A I Lewer, duly seconded,

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

67/12 POLICE AND CRIME PANELS The Police and Social Responsibility Act 2011, required Police and Crime Panels to be established for each Police area. PCPs would have power to scrutinise Police and Crime Commissioner (PCC) activities, including the ability to review the Police and Crime Plan and Annual Report, review precept decisions, request PCC papers and invite PCCs and Chief Constables to public hearings.

In terms of membership of the Panel, guidance provided that, initially, the Panel should be made up of one member per council in the area, including Derby City Council. In Derbyshire, this was likely to result in an initial membership of 5 Conservative and 5 Labour members. These would constitute the Shadow Panel which should then appoint at least two independent (non-councillor) co-opted members. The composition of the Panel would need to be increased by co-opting councillors and non-councillors to reflect the political balance of relevant authorities when taken together, along with other factors such as geography, skills, knowledge and experience of Panel members. The Panel's proposals for additional councillor co-optees would require Home Office approval.

Other aspects of arrangements for the Panel (for example, host authority, terms of office and filling of vacancies) would also need to be agreed by the Panel and the constituent authorities before the substantive Panel came into being in November. These arrangements were being considered. A further report would therefore be presented to the Council meeting in September to update the Council on the

establishment of the PCP and also to formally adopt the Panel arrangements.

The Home Office had recently advised that the new operating arrangements for the Panel must be agreed by 16 July and therefore it was proposed the Chief Executive deal with such matters under his delegated authority, as contained in the Council's Constitution,

On the motion of Councillor A I Lewer, duly seconded,

RESOLVED (1) to note the current position regarding the establishment of a Police and Crime Panel;

(2) that Councillor Mrs C A Hart be appointed as the County Council representative on the Panel;

(3) that the Chief Executive deal with matters relating to the new operating arrangements for the Panel; and

(3) that a further report be presented to the September meeting of the Council.

(Councillor S A Spencer and all members of the Labour Group present, abstained from voting on the above resolutions and requested that this be recorded in the Minutes).

68/12 POLITICAL BALANCE AND APPOINTMENT OF MEMBERS

Councillors R B Baldry and D Stone had given notice of the formation of a new political group; 'The Independent Group'. It had been confirmed that Councillor Stone was to be the leader of the new group.

To maintain the correct political balance it was proposed that one of the current Labour seats on the Improvement and Scrutiny Committee – People, be re-allocated to the new Independent Group. All other Committees could remain as currently constituted with Councillor Stone retaining his seat on Improvement and Scrutiny Committee -Resources and Councillor Baldry retaining his seat on Improvement and Scrutiny Committee - Places; but now as members of the 'Independent Group'.

The Labour Group indicated that Councillor P J Riggott would be removed from membership of the Improvement and Scrutiny Committee – People.

On the motion of Councillor A I Lewer, duly seconded,

RESOLVED that the proposed changes to Committee appointments be agreed.