

MINUTES of the meeting of the **DERBYSHIRE COUNTY COUNCIL**
held on 24 July 2013 at County Hall, Matlock

PRESENT

Councillor D J Wilcox (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, 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, Mrs K D Lauro, A I Lewer, B Lewis, D W Lomax, M V Longden, S Marshall-Clarke, W Major, D McGregor, 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, M Tomlinson, Mrs J A Twigg, D Walton, Ms A Western, Ms E S Wilcox, D A Williams, J G Williams and B Wright.

35/13 APOLOGIES FOR ABSENCE There were no apologies for absence.

36/13 DECLARATIONS OF INTEREST There were no declarations of interest.

37/13 CHAIR'S ANNOUNCEMENTS The following announcements were made:-

(i) The Council's proceedings were being filmed and highlights would appear on the DCC website.

(ii) Mr John Pitt, Interim Strategic Director for Council Services was welcomed to his first Council meeting.

(iii) Mr Lloyd Newby, an independent person serving on the Standards Committee, had been awarded an MBE for his community cohesion work.

(iv) Mr Brian and Ms Kandy Smith had started a campaign group after their father/grandfather became a victim of scam mail communications. The Council had nominated them and they had received a Trading

Standards Institute 'Hero Award' – an annual award to members of the public who had done something significant to protect consumers from rogue traders.

Mrs Valerie Shaw from Matlock was also nominated by the Council. Her mother was one of many dozen victims of mis-selling of mobility products and she gave a statement which helped secure a conviction. Valerie had received a TSI Certificate of Commendation.

The Chair made a presentation.

(v) The School Meals Service had won the Local Authority Caterers Association Catering Business of the Year 2013 Award. The award gave recognition to a Catering Team/Organisation, which made an outstanding contribution to Catering for Schools in their local area.

The Chair made a presentation Mr Tim Blowers, Head of the Service.

(vi) The Chair informed Members that there would be an addition to the agenda of a presentation by Mr Colin Hampton of the Derbyshire Unemployed Workers Centre.

(vii) The Chair informed Members that the next Council meeting would be held on 2 October 2013 rather than on 18 September 2013.

38/13 CONDUCT OF BUSINESS AT COUNCIL MEETINGS

At the meeting of the Council on the 15 May 2013 it was proposed that, subject to consideration by the Standards Committee, the provisions of the Council's Rules of Procedure be amended.

The proposed changes were considered by the Standards Committee on the 19 June 2013 and were commended to the Council.

The Council was invited to approve the changes.

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

RESOLVED that the provisions of the Council's Rules of Procedure be amended to provide for:-

- (1) a report of the Leader of the Council being included as an agenda item;
- (2) a report from Cabinet and Members' questions being included as an agenda item;

- (3) presentation to Council being included as an agenda item;
- (4) the order of business at Council meetings being 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 – (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, 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, Mrs K D Lauro, 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, Ms E S Wilcox, D A Williams, J G Williams and B Wright.

Against the Motion – (21) 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, A I Lewer, B Lewis, D W Lomax, M V Longden, W Major, K P Morgan, R A Parkinson, Mrs J E Patten, S A Spencer, Mrs J S Street, M Tomlinson, Mrs J A Twigg and D Walton.

Abstained – (0)

39/13 **MINUTES OF THE PREVIOUS MEETING** On the motion of Councillor D J Wilcox, duly seconded,

RESOLVED that the minutes of the meeting of Council held on 15 May 2013 be confirmed.

40/13 **REPORT OF THE LEADER OF THE COUNCIL**

Councillor Ms A Western, Leader of the Council, reported on the major and significant issues facing the Council and the progress that had been made since the May elections. Her report referred to the budget cuts facing the Council, improved relations with other authorities and organisations in the County/Region, the review of the Council Plan and examination of budgets, the major decisions that had been implemented since May, new governance arrangements for the D2N2 LEP and the LGA's calls for no more cuts to local government funding.

41/13 **PUBLIC QUESTIONS** No public questions had been received.

42/13 RECEIPT OF PETITIONS No petitions had been received.

43/13 CONFIRMATION OF THE APPOINTMENT OF ACTING CHIEF EXECUTIVE AND ACTING STRATEGIC DIRECTOR OF ENVIRONMENTAL SERVICES The Council was asked to confirm appointments to the posts of Acting Chief Executive and Acting Strategic Director of Environmental Services.

At its meeting on 4 June 2013, Cabinet had agreed the appointment of Mr I Stephenson as the Council's Acting Chief Executive (salary £138,060) and Mr M Ashworth as Acting Strategic Director of Environmental Services (salary £108,087). The Local Authorities (Standing Orders) (England) Regulations 2001 required the appointment of the head of a local authority's paid service to be approved by the full Council. In addition, it was a requirement of the Council's Pay Policy that all appointments in excess of a £100,000 were reported to and approved by Council.

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

RESOLVED to approve the appointment of Mr I Stephenson as Acting Chief Executive and Mr M Ashworth as Acting Strategic Director of Environmental Services.

44/13 WAIVER OF 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.

45/13 PRESENTATION – DERBYSHIRE UNEMPLOYED WORKERS CENTRES Mr Colin Hampton of the Derbyshire Unemployed Workers Centres attended the meeting to make a presentation on the work of the organisation.

46/13 REPORT OF CABINET AND MEMBERS' QUESTIONS ON THE REPORT Councillor Ms A Western, Leader of the Council, presented a report on the decisions that had been taken at meetings on Cabinet held on 4 and 18 June and 16 July 2013. No questions on the report had been received from Members.

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

RESOLVED that the report on be noted.

47/13 COUNCILLOR QUESTIONS

Councillors asked questions as follows:-

(1) Question to Councillor Ms A Western from Councillor M Ford:-

Can the Leader of the Council explain as to how she will ensure tax payers' money is not used for political purposes and will she give a commitment to withdraw the funding of the Derbyshire Unemployed Workers Centre if it is shown they are involved in political activity.

Councillor Western responded as follows:-

As you are aware there are clear and stringent guidelines against using Council resources and budgets for political purposes. There is no evidence that any funding previously given to the Derbyshire Unemployed Workers Centres by Councils has been used for political purposes. Derbyshire Unemployed Workers Centres have financed campaigning activity previously through fundraising and it always was that way. However, as you have just heard, to ensure maximum transparency the Derbyshire Unemployed Workers Centres' Management Committee has agreed that the organisation will no longer take part in campaigning activity to make it absolutely clear of the divide between the two. The Service Level Agreement that we have put in place with them requires that the grant funding will be used solely and exclusively to support the advice functions of the organisation. This will be subject to audit in the same way that all grant funding is and any breaches will be dealt with accordingly.

A supplementary question was asked as follows:-

It is reassuring to hear that the DUWC will be audited because it should be open and transparent. This Group would certainly like to see our internal audit used to carry out that task of doing the audit of the DUWC and will Councillor Western agree to our internal audit being used to do that task?

Councillor Western responded as follows:-

That is a rather strange request actually. I am not sure that that would be entirely appropriate or within the rules. It is an incorporated charity, as I understand it. They have their own audit arrangements. They are audited in accordance to the rules of their own constitution. Unless there is any suggestion, unless you have any evidence of anything untoward going on, I do not see any reason why we would send internal auditing to this organisation or any other, unless you have some evidence. You seem to be making some insinuations. I have to say that

this matter was dealt with and resolved prior to the election under your administration to the satisfaction of the previous Chief Executive and has been examined again since the election and there is no evidence of anything untoward.

With the greatest of respect I think rather than whipping up a storm of synthetic outrage about this issue where there has been no illegality and no misuse of public money, you might want to reflect on an incident that occurred under your administration with the former Chair of the Council who did misuse public money and who was actually convicted of fraud.

(2) Question to Councillor Ms A Western from Councillor A I Lewer

At a Full Council meeting a few years ago Cllr Western said "isn't Freedom of Information a wonderful thing?" Given her Administration's refusal to answer Freedom of Information requests about the reasons for and the costs of the removal of Mr Nick Hodgson as Chief Executive, does she still hold that view?

Councillor Western responded as follows:-

Yes, Councillor Lewer, I do. The Freedom of Information Act was one of the first things that the incoming Labour Government did after 1997 and although it can be used in ways that are perhaps vexatious sometimes it is on the whole I think a most welcome piece of legislation, but there is a balance to strike in circumstances surrounding individuals. Just to correct your statement, we have not "refused to answer freedom of information requests" we have answered the freedom of information requests but we are not at liberty to divulge information about the circumstances of individuals. Mr Hodgson's departure was subject to a confidentiality agreement. I do not expect everybody to be happy about that but I must respect that agreement. I gave my word on it and I will keep my word on that.

The May elections gave a clear mandate for change of direction at DCC and the auditors deliver change. Sometimes difficult decisions are necessary. I will not shirk from difficult decisions if they are necessary to deliver the changes that Derbyshire people require of us.

A supplementary question was asked as follows:-

Well the commitment to openness is very welcome but I must say as a supplementary, and ask, can the Leader of the Council not appreciate that unless this issue is put to bed by a full disclosure of the figures

involved it will continue to prevent her administration developing any kind of reputation for openness?

Councillor Western responded as follows:-

Are you seriously suggesting then that we breach a legal agreement and put this Council at jeopardy? It is a legal agreement. Again Councillor Lewer may wish to reflect on the fact that this is not the only compromise agreement that this Council has entered into in recent years. There were three such agreements during your time as Leader, not so high profile but the principle is the same. Furthermore, sorry Chair, but I am going to refer back to Amber Valley. I understand that Amber Valley Borough Council entered into a similar agreement with its former Chief Executive so you might wish to address this question to your Conservative colleagues there as well in the interests of consistency.

48/13 QUESTIONS ON THE FUNCTIONS OF THE DERBYSHIRE FIRE AUTHORITY No questions had been received.

49/13 NOTICE OF MOTION Moved by Councillor K P Morgan, duly seconded:-

This Council opposes, in the strongest possible terms, any proposal by the Secretary of State for Education to:-

(a) give total freedom to head teachers to determine the term times of their schools

(b) give total freedom to any corporate agency to set up Secondary Schools or Academies (sometimes known as "Free Schools"), inconsistent with the age groups or curriculum planned long-term by this County Council (ages 5-11, 11-16, 11-18)

(c) allow any schools to operate for a market profit

Derbyshire Schools have long been established on a principle of co-operation between schools, (particularly at the critical transfer levels of 11 and 16), and free non-selective access, given available places, for all children and this Council opposes any move by Government to undermine these principles by allowing market competition to exist in one of our basic national freedoms, and that the Secretary of State be accordingly informed.

Councillor Morgan's motion was debated by Council.

An amendment to the motion was moved by Councillor K Gillott, duly seconded:-

That the first sentence of the motion be amended to read:-

This Council opposes, in the strongest possible terms, any proposal by the Conservative/Liberal Democrat Coalition Government to:-

Councillor Gillott's motion was put to the vote and declared to be carried.

RESOLVED that this Council opposes, in the strongest possible terms, any proposal by the Conservative/Liberal Democrat Coalition Government to:-

(a) give total freedom to head teachers to determine the term times of their schools

(b) give total freedom to any corporate agency to set up Secondary Schools or Academies (sometimes known as "Free Schools"), inconsistent with the age groups or curriculum planned long-term by this County Council (ages 5-11, 11-16, 11-18)

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Abstained – (0)

50/13 REGULATORY – LICENSING AND APPEALS COMMITTEE On the motion of Councillor J G Williams, duly seconded,

RESOLVED that the minutes of the meeting of the Regulatory – Licensing and Appeals Committee held on 10 June 2013 be received.

51/13 REGULATORY – PLANNING COMMITTEE On the motion of Councillor Mrs P Innes, duly seconded,

RESOLVED that the minutes of the meetings of the Regulatory - Planning Committee held on 3 June and 1 July 2013 be received.

52/13 PENSIONS AND INVESTMENT COMMITTEE On the motion of Councillor W Burrows, duly seconded,

RESOLVED that the minutes of the meeting of the Pensions and Investment Committee held on 17 June 2013 be received and adopted.

53/13 STANDARDS COMMITTEE On the motion of Councillor Mrs C M Cox, duly seconded,

RESOLVED that the minutes of the meeting of the Standards Committee held on 19 June 2013 be received.

54/13 IMPROVEMENT AND SCRUTINY MANAGEMENT COMMITTEE On the motion of Councillor C R Moesby, duly seconded,

RESOLVED that the minutes of the meeting of the Improvement and Scrutiny Management Committee held on 18 June 2013 be received.

55/13 IMPROVEMENT AND SCRUTINY COMMITTEE – PLACES On the motion of Councillor Mrs K D Lauro, duly seconded,

RESOLVED that the minutes of the meeting of the Improvement and Scrutiny Committee – Places held on 3 July 2013 be received.

56/13 **DERBYSHIRE FIRE AUTHORITY** On the motion of
Councillor D J Wilcox, duly seconded,

RESOLVED that the minutes of the meeting of the Derbyshire
Fire Authority held on 21 March 2013 be received.

57/13 **DERBYSHIRE POLICE AND CRIME PANEL** On the
motion of Councillor D J Wilcox, duly seconded,

RESOLVED that the minutes of the meetings of the Derbyshire
Police and Crime Panel held on 5 and 30 April 2013 be received.