

Time began: 2:00pm  
Time ended: 3.00pm

## **COUNCIL CABINET**

### **20 September 2018**

Present	Councillor Poulter (Chair) Councillors Barker, Grimadell, Roulstone, Smale, Webb and Williams
In attendance	Councillors Eldret, Evans, Graves, Peatfield, Shanker and Skelton Carole Mills – Chief Executive Don McLure – Strategic Director of Corporate Resources Christine Durrant – Strategic Director of Communities and Place Glen O'Connell – Interim Monitoring Officer Richard Antcliff – Director of Public Protection and Streetpride Emily Feenan – Principal Lawyer David Walsh – Head of Democracy Alex Hough – Democratic Services Manager Kara MacFadyen – Communications Officer

This record of decisions was published on 24 September 2018.

### **78/18      Apologies**

An apology for absence was received from Councillor M Holmes.

### **79/18      Late Items**

There were none.

### **80/18      Identification of Urgent Items to which Call In will not apply**

There were none.

### **81/18      Declarations of Interest**

There were no Declarations of Interest.

## Matters Referred

### 82/18 Recommendations from the Executive Scrutiny Board

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The Executive Scrutiny Board met and discussed items contained within the Council Cabinet Agenda. The report enabled the views and recommendations resulting from these discussions to be formally shared with Council Cabinet. These were submitted to Council Cabinet as Appendix 2, prior to commencement of the meeting.

#### **Decision**

To receive the report and consider the recommendations alongside the relevant report.

### 83/18 Exclusion of Press and Public

The Monitoring Officer confirmed that it was proposed that Council Cabinet hear the report in private session, as it would likely involve the disclosure of exempt information, as defined under Paragraphs 3 and 5 of Part 1, Schedule 12A of the Local Government Act 1972.

The Council Cabinet were advised to consider that under paragraph seven of the Derby City Council Members' Code of Conduct councillors must have regard to advice provided by the council's Monitoring Officer.

It was stated that the report to be considered contained the type of commercially sensitive information envisaged when Paragraph 3 of Schedule 12A was first drafted, containing details of the business affairs of two local authorities, the contractor, their sub-contractors and funders. To consider the report in public would result in revealing the council's negotiating position ahead of any talks and could be contrary to obligations under the inter-authority agreement and the main project agreement.

Any decision of the Council Cabinet not to exclude the public and the press would not affect the distribution of the report, as that remained the provision of the Monitoring Officer under the Local Government Act 1972.

If the Council Cabinet were not to exclude the press and public, members were advised to consider their individual responsibilities and accountability with regards to making statements which involve the use of information provided to them in confidence, either detailed in the report or provided in confidential briefings to councillors. Any public dissemination of information defined as confidential in the inter-authority or main project agreements could give rise to legal action against the city council, county council or against individual councillors. This would not apply to material already lawfully in the public domain.

A resolution to exclude the press and public was put to the vote and carried.

## **Decision**

That under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 and 5 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

## **Contract and Financial Procedure Matters**

### **84/18 Long Term Waste Management Contract**

The Council Cabinet considered a report on a Long Term Waste Management Contract.

The Council Cabinet also considered recommendations from the Executive Scrutiny Board.

## **Decision**

1. To accept the recommendations set out in the report.
2. To reject recommendations 1 to 4 from the Executive Scrutiny Board.
3. To accept recommendation 5 from the Executive Scrutiny Board to ensure that a summary of proceedings detailing discussion of the Long Term Waste Management Contract at the Executive Scrutiny Board, is provided to Council Cabinet prior to making its decisions on the recommendations included in the report.

**MINUTES END**