

Time commenced - 6.05pm
Time adjourned - 7.15pm
Time reconvened - 7.31pm
Time adjourned - 8.56pm
Time reconvened - 9:15pm
Time finished - 9.20pm

EXTRAORDINARY MEETING OF COUNCIL

18 June 2024

Present: The Mayor, Councillor Ged Potter and Councillors Amin, Ashby, Atwal, Bolton, Bonser, Care, Chambers, Dhindsa, Evans, Eyre, Fowke, Graves, Hassall, Hezelgrave, A Holmes, M Holmes, Hudson, C Ingall, P Ingall, Kaur, J Khan, S Khan, Kozlowski, Kus, Lakin, Lindsey, Lonsdale, Martin, Morgan-McGeehan, Mulhall, Nawaz, Onuoha, Pandey, Pattison, Pearce, Peatfield, Potter, Poulter, Prosser, Rawson, Repton, Roulstone, Sandhu, Shanker, Smale, Swan, Trehwella, Whitby, Wilson, C Wright and J Wright.

The Mayor welcomed councillors to the meeting and stated that they had chosen to summon an Extraordinary Meeting of the Council, following receipt of a motion of no confidence in the Leader of the Council, accompanied by a request for the matter to be heard prior to the next scheduled meeting.

The Mayor stated that the motion of no confidence was due to be heard in accordance with a protocol adopted by the Council in 2011, that required at least one third of elected members to be signatories to a motion that sought to remove the executive leader, before it could be considered. The Mayor confirmed that the motion had met this threshold on Tuesday 4 June 2024.

The Mayor noted that the Council Constitution required them to respond to any request for an extraordinary meeting within seven days of receipt of a requisition. The Mayor confirmed that following receipt of legal and constitutional advice from the Monitoring Officer in relation to the requirements of the pre-election period, they had instructed the Monitoring Officer to summon the meeting for Tuesday 18 June and provide the requisite period of notice.

The Mayor cited several reasons in favour of urgent consideration of the motion, including the support of a majority of councillors; a perceived breakdown in trust and dialogue between the leaders of political groups; and, ongoing uncertainty for the Council's employees, partners and residents should the matter remain unresolved.

The Mayor detailed several procedural and legal requirements: these included warning councillors about the potential for the inadvertent disclosure of confidential information; the possibility that the press and public be excluded from the meeting; and, outlining the requirements of Section 91A of the Local Government Act 2000 should the Leader of the Council be removed from office, which provide for the election of the executive leader to be held at either the meeting at which the leader is removed or at a subsequent meeting.

23/24 Apologies

Apologies were received from Councillor Kus

24/24 Declarations of Interest

It was noted that the Monitoring Officer had advised councillors prior to the meeting that those who were candidates in the forthcoming parliamentary general election held neither a pecuniary or private interest.

No declarations of interest were made.

25/24 Notice of motion: Vote of no confidence in the Leader of the Council

The following motion was moved by Councillor Hassall and seconded by Councillor Graves:

The conduct and actions of Cllr Shanker regarding the Sinfin Waste Treatment Plant have fallen below that expected of the Leader of the Council and have resulted in potentially placing the authority in a financially dangerous position. The significance of this position is such that a majority of Derby City Councillors now have lost confidence in the Leaders ability and motives to resolve this issue without further detrimental impact to finances, services and council employees.

Therefore, Council resolves to remove Councillor Shanker as the Executive Leader.

As required by the Procedure for the Removal of the Executive Leader adopted by the Council on 23 November 2011, the motion had been signed by at least one third of members of the Council. The signatories to the motion were: Councillors Atwal, Evans, Eyre, Fowke, A Holmes, M Holmes, Hudson, C Ingall, P Ingall, Kus, Lakin, Lindsey, Lonsdale, Morgan-McGeehan, Mulhall, Pandey, Pattison, Pearce, Poulter, Prosser, Roulstone, Smale, Trehwella and J Wright.

In proposing the motion, Councillor Hassall suggested that it had been tabled to protect the Council from the financial consequences of a disputed invoice received from Derbyshire County Council, in relation to the Sinfin Waste Treatment Plant. It was alleged that the Leader of the Council's conduct had led to a breakdown in the relationship with the County Council and that Councillor Shanker had failed to disclose information about the invoice to councillors during the annual budget setting process.

The Mayor exercised their discretion to suspend Council Procedure Rule CP46 and allow the Leader of the Council unlimited time to respond to the motion of no confidence. Councillor Shanker spoke against the motion, suggesting that its timing had been motivated by his candidacy in the forthcoming General Election on 4 July 2024. Councillor Shanker stated that they had followed the advice of senior officers and was limited in the extent to which information could be shared, owing to the legal and commercial sensitivity of the project. The Leader stated that they had entered negotiations with Derbyshire County Council in good faith; had abided by deadlines contained within IAA2 and had always been prepared to make difficult decisions, acting in the interests of the residents of Derby.

Several councillors then spoke both for and against the motion. It was moved by Councillor Peatfield, and seconded, that the motion be amended as follows:

By the deletion of the following words from the first sentence: 'have fallen below that expected of the Leader of the Council'

And, the addition of the following words in the first sentence: 'has been called into question' and 'may'.

And, the deletion of the following words from the third sentence: 'remove Councillor Shanker as the Executive Leader'.

And, the addition of the following words in their place: 'consider a vote of no confidence in the Executive Leader, following the establishment of a cross-party group to review the decision-making process regarding the Sinfin Waste Plant project and that group feeding back its findings to Council by the date of the next scheduled meeting on 17 July 2024.'

And, the addition of the following words at the conclusion of the motion: 'Council also resolves to move forward on the issue of the Waste Plant with greater transparency for all councillors, using the cross-party group as a means of sharing information.'

Councillor P Ingall requested an adjournment. The proposal was seconded, put to the vote and carried. The meeting was adjourned at 7:15pm and reconvened at 7:31pm.

Councillors spoke both for and against the amendment, with several citing the need for additional transparency and scrutiny of the Sinfin Waste Plant project. The amendment was put to the vote and lost, on the casting vote of the Mayor.

In speaking in favour of the substantive motion, Councillor Graves asserted that the budget set by the Council in February 2024 was unlawful. Councillor Shanker raised a point of order, requesting urgent clarification from the Council's Chief Finance Officer (S151). The Mayor invited the Chief Finance Officer to address the meeting, who confirmed that it was not standard practice for a disputed invoice to be reflected in the budgeting process and that the Council's external auditors had been fully consulted throughout.

Before moving to the vote, both Councillors Shanker and Hassall exercised their right of reply, in which they re-iterated the arguments raised in their earlier speeches. It was moved by Councillor Shanker and seconded by at least 10 members that under Council Procedure Rule CP71a the votes of councillors on the motion were noted and recorded.

For the motion: Councillors Atwal, Evans, Eyre, Fowke, Graves, Hassall, A Holmes, M Holmes, Hudson, C Ingall, P Ingall, Lakin, Linsdey, Morgan-McGeehan, Mulhall, Pandey, Pattison, Pearce, Poulter, Prosser, Roulstone, Smale, Trewhella, J Wright and Potter (25).

Against the motion: Councillors Amin, Ashby, Bolton, Bonser, Care, Chambers, Dhindsa, Hezelgrave, Kaur, J Khan, S Khan, Kozlowski, Lonsdale, Martin, Nawaz,

Onuoha, Peatfield, Rawson, Repton, Sandhu, Shanker, Swan, Whitby, Wilson and C Wright (25).

Abstentions: None (0).

As permitted by Council Procedure Rule CP69, the Mayor chose to use their casting vote in favour of the motion.

Resolved:

The conduct and actions of Cllr Shanker regarding the Sinfin Waste Treatment Plant have fallen below that expected of the Leader of the Council and have resulted in potentially placing the authority in a financially dangerous position. The significance of this position is such that a majority of Derby City Councillors now have lost confidence in the Leaders ability and motives to resolve this issue without further detrimental impact to finances, services and council employees.

Therefore, Council resolves to remove Councillor Shanker as the Executive Leader.

26/24 Election of the Leader of the Council

On the motion of the Mayor, it was resolved that the meeting be adjourned at 8:56pm and reconvened at 9:15pm. Upon resumption of the meeting, the Mayor requested nominations to the vacant position of Leader of the Council.

It was moved by Councillor Shanker and seconded by Councillor Chambers that Councillor Nadine Peatfield be elected as Leader of the Council, to serve a term of office consistent with the requirements of Article 7.3 of the Council Constitution. The motion was put to the vote and carried.

Resolved to elect Councillor Nadine Peatfield as Leader of the Council.

MAYOR