



Local Government Act 1972

I Hereby Give You Notice that an **Ordinary Meeting** of the **Durham County Council** will be held in the **Council Chamber, County Hall, Durham** on **Wednesday 21 January 2015 at 10.00 a.m.** to transact the following business:-

1. To confirm the minutes of the meeting held on 3 December 2014 (Pages 1 - 8)
2. To receive any declarations of interest from Members
3. Chairman's Announcements
4. Leader's Report
5. Questions from the Public
6. Petitions
7. Report from the Cabinet (Pages 9 - 18)
8. Members' Allowances Scheme - Report of the Independent Remuneration Panel (Pages 19 - 26)
9. Public Questions at Council - Report of Head of Legal and Democratic Services (Pages 27 - 54)
10. Updated Local Code of Corporate Governance - Report of Corporate Director, Resources (Pages 55 - 72)
11. Motions on Notice

Councillor K Shaw to Move

This Council calls on the Government to re-enter talks with the Fire Brigades Union in line with the devolved administrations of Scotland, Wales and Northern Ireland to reach a negotiated settlement that puts public and firefighter safety first.

Councillor A Hopgood to Move

This Council, noting the recent agreement by it of a tree policy, agrees to investigate the creation of a policy for driving and parking on council owned grassed areas.

This Council recognises that many of these grassed areas are regularly used by residents and children for recreation and that inappropriate use by vehicles is causing significant danger as well as damage that is unsightly and expensive to repair.

This Council believes that the creation of a policy to address this issue would give council officers the power to have vehicles removed and enforce the non-vehicular access to our valuable green spaces.

Councillor N Martin to Move

This Council notes the continuing undermining of public order and the additional burdens placed on the emergency services across County Durham due to the excessive consumption of alcohol.

This Council therefore calls on all political parties at the forthcoming general election to commit to implementing a countrywide policy for a minimum unit pricing of alcohol in order to mitigate these highly undesirable effects.

12. Questions from Members

And pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting

Dated this 13th day of January 2015



Colette Longbottom
Head of Legal and Democratic Services

To: All Members of the County Council

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 3 December 2014 at 10.00 a.m.**

Present:

Councillor J Robinson in the Chair.

Councillors E Adam, J Allen, B Armstrong, J Armstrong, L Armstrong, B Avery, A Batey, A Bell, D Bell, R Bell, H Bennett, J Blakey (Vice-Chairman), G Bleasdale, D Boyes, P Brookes, J Brown, J Buckham, Carr, C Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, K Corrigan, P Crathorne, R Crute, K Davidson, K Dearden, M Dixon, S Forster, N Foster, D Freeman, B Glass, B Graham, J Gray, O Gunn, S Guy, C Hampson, J Hart, K Henig, S Henig, D Hicks, J Hillary, M Hodgson, G Holland, A Hopgood, K Hopper, L Hovvels, E Huntington, S Iveson, O Johnson, C Kay, A Laing, P Lawton, J Lee, J Lethbridge, R Lumsdon, C Marshall, L Marshall, N Martin, P May, O Milburn, B Moir, S Morrison, A Napier, M Nicholls, H Nicholson, P Oliver, T Pemberton, M Plews, C Potts, L Pounder, G Richardson, S Robinson, J Rowlandson, A Savory, K Shaw, H Smith, T Smith, M Stanton, W Stelling, B Stephens, D Stoker, P Stradling, A Surtees, L Taylor, P Taylor, O Temple, K Thompson, R Todd, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, M Williams, A Willis, C Wilson, S Wilson, R Yorke and R Young

Apologies for absence were received from Councillors J Alvey, E Bell, J Bell, A Bonner, J Charlton, M Davinson, I Geldard, D Hall, B Harrison, I Jewell, H Liddle, J Maitland, J Maslin, P McCourt, J Measor, T Nearney, R Ormerod, A Patterson, A Shield, J Shuttleworth, M Simmons, M Simpson and S Zair

1 Presentation of the Chairman's Medal

The Chairman informed the Council that he wished to present two Chairmans' medals. The medal was the highest honour the County Council could award and was given to individuals or groups who had contributed significantly to communities in County Durham. The first medal was to the Durham Light Infantry Association.

The Chairman remarked that it was fitting that the award was being presented at the last Council meeting of the calendar year, a year which also saw the DLI Memorial statue unveiled in the Market Place, Durham as part of the World War I commemoration events.

Accepting the award, Major Paul Wharton M.M., Chairman of the DLI Association commented that it was an honour and a privilege to accept the award on behalf of the DLI Association. The Association were ever grateful to the County Council for their continued support and cooperation and for keeping the DLI to the fore.

The second medal was awarded to Mrs Mary Platten of Derwentside who played a key role in a town twinning group who had fostered links with the German town of

Werdhol for the past three decades. The club had fostered countless friendships through a programme of exchange visits which ranged from cultural to sports and social activities.

Mrs Platten explained her surprise at receiving the award and admitted that she had been lost for words when she found out about the award. In receiving the award she remarked how she could not have achieved it on her own and the award was for everyone who had assisted her throughout the years.

2 Employee Awards

The Chairman announced that a Maintenance Officer from the Council, Scott Creighton had been named Employee of the Year. Scott had shown 'unfailing dedication' and a can-do attitude. The Chairman also informed the Council that Scott had been one of a group of six people who had conquered a cross channel swim in aid of the Great North Air Ambulance Service (GNAAS) and raised more than £10,500.

The Chairman also announced that Emily Stewart had been named Apprentice of the Year. Emily was working in the procurement section of the Resources Service.

Resolved

That the Council place on record its congratulations to both members of staff on their achievement and to all the other finalists in the Council's Great Staff, Great Stuff awards.

3 Minutes

The minutes of the meeting held 29 October 2014 were confirmed by the Council as a correct record and signed by the Chairman.

4 Declarations of interest

There were no declarations of interest in relation to any items of business on the agenda.

5 Chairman's Announcements

The Chairman extended a warm welcome to teachers, governors and pupils from Belmont Infant and Junior School and the School's Councils who were attending the meeting to observe proceedings and the debate.

The Chairman informed the Council that he had written on their behalf, to Beryl Anderson, a member of staff in the Events Management Team who had recently assisted in a situation whereby a school crossing patrol person had collapsed. Beryl had parked up her vehicle, assisted school children to cross the road safely and contacted the emergency services.

The Chairman advised that Alderman Len O'Donnell, who had cycled across America in 2002 while Chairman of the County Durham and Darlington Fire and

Rescue Authority, was present in the Council Chamber foyer with copies of the book he has recently had published.

Finally, the Chairman thanked everyone who had attended the Civic Ball. which had raised £1200 towards his chosen charities. He also reminded the Council of the up and coming Carol Service.

6 Leader's Report

The Leader of the Council provided an update to the Council, summarised as follows:

- a second borderlands summit had been hosted by Carlisle City Council which discussed issues around economy and transport. The Association of North East Council's had been represented at the event;
- the Leader spoke of the successes of the Durham Book Festival, the 25th Annual Environmental Awards and the 10th Anniversary of NetPark;
- the Council's Cabinet had visited the new academy and leisure centre currently under development in Consett. The new facilities would not only benefit young people in the town but also the wider community and the local economy;
- The all-party Association of North East Council's Task and Finish Group had met to discuss the forthcoming local government funding settlement;
- More than 150 council leaders had written to the Observer newspaper warning the Chancellor that they simply could not absorb more cuts to Local Government similar to those seen over the last four years. The Council would continue to lobby on this issue and look at the impact of the government's austerity programme;
- There had been a period of rapid development regarding devolution in the wake of the Scottish 'No' vote, with the Smith Commission suggesting that the Scottish Parliament should have the power to set income tax rates and that Air Passenger Duty should be fully devolved. The Leader had written to the Chancellor seeking views on devolution 'south of the border' and that further clarity was needed from the Government regarding Elected Mayors.
- The Shadow Minister for the Department for Communities and Local Government spoke at a recent County Council's Network meeting where it had been interesting to note that many other County areas across the country were moving towards the creation of combined authorities.

Following the Leaders' report, the Chairman of the County Council placed on record his congratulations to Councillor Henig in being named in the top 100 most influential people in Local Government.

7 Questions from the Public

One question had been received from a Member of the Public regarding Broom Cottages Pupil Referral Unit, Ferryhill. In the absence of the questioner, the Head of Legal and Democratic Services informed the Council that a copy of the question, together with the response would be placed on the Council's website and a copy of the response would also be sent direct to the questioner.

8 Petitions

There were no petitions for consideration.

9 Report from the Cabinet

The Leader of the Council provided the Council with an update of business discussed by the Cabinet at its meeting at Auckland Castle held on 19 November 2014 (for copy see file of Minutes).

10 A 'Local' Living Wage for County Durham

The Council considered a report of the Living Wage Working Group which had been established following a resolution by the County Council on 5 December 2012. The working group had been set up to explore the feasibility of implementing the accredited 'living wage' scheme that had been set up by the Living Wage Foundation which was part of the campaigning group 'Citizens UK'.

Prior to moving the report, the Cabinet Portfolio for Finance took the opportunity to thank everyone involved for their work which had culminated in the proposal for a Local Living Wage for Durham County Council. Councillor Napier commented that the hard work and research carried out had been appreciated and thanked everyone for their commitment.

The Portfolio Holder reminded the Council that two years had passed since the motion put forward by Councillor M Dixon regarding a local living wage and made no apologies for the length of time it had taken to produce the report. The underlying principle for the Working Group was to ensure that it did not place the Council at any financial risk, whilst also keeping in tune with national and local developments.

One of the key considerations was the potential impact on school budgets, however, the group had worked diligently with the Schools Forum and obtained unanimous support from them.

The group had proposed that from 1 January 2015 to abolish SCP 5-9 on the NJC Terms and Conditions. The proposal would be fair, affordable and sustainable which would go a long way to improving living standards for all those affected. The Trade Unions had been fully supportive and the report signalled an historic moment for Durham County Council.

Councillor O Johnson added that the Durham Living Wage proposal was a fair and equitable solution for the County Council's lowest paid workers.

Councillor R Bell referred to paragraph 58 of the report and queried any potential impact on benefits. Councillor R Bell also congratulated everyone involved for the work undertaken and expressed his support for the proposal which appeared to have been given proper consideration.

Councillor Napier informed the Council there may be a very slight reduction of housing benefit and housing tax revenue, however, the fact remained that 2,500 employees and their families would be better off.

Councillor D Stoker praised everyone involved what had been a complex process. The task had been well timed, carried out with great thoroughness and hoped that the item would be passed unanimously by the Council.

Councillor M Dixon congratulated everyone for their hard work on what was an scheme which illustrated how the Council aspired to improve the lives of residents in County Durham.

The Chairman congratulated Councillor Napier and those officers involved and spoke of his pride and honour for the Council to be passing the report under his Chairmanship.

Moved by Councillor Napier, **Seconded** by Councillor Johnson and

Resolved

- (i) That the Council remove Spinal Column Points 5-9 with effect from 1 January 2015 and implement a minimum hourly wage of Spinal Column 10 (£7.43 per hour) for all Durham County Council employees and this be referred to as the 'Durham Living Wage';
- (ii) That a review of the Durham Living Wage rate annually from 1 April 2016.

11 Mid-Year Report for the Period to 30 September 2014 on Treasury Management Service

The Council considered a report of the Corporate Director, Resources regarding the mid-year position on the treasury management service to 30 September 2014 (for copy see file of Minutes).

The Corporate Director, Resources informed the Council that the report also included a forward looking annual treasury strategy and backward looking performance against the previous strategy as well as incorporating the needs of the 'Prudential Code', which was regarded as best operational practice.

An update was also provided to the Council in relation to the recovery position regarding deposits made to Icelandic Banks which collapsed in 2008, where the recovery forecast was much better than initially thought.

Councillor Wilkes sought clarification about the future of the Cooperative Bank up to April 2015 and asked for assurances that Council monies would be protected, specifically those of the newly formed Durham Housing Group. The Corporate Director, Resources informed the Council that initial indications were that the Cooperative Bank were likely to pass the 'stress test', however, in any event, the Council held relatively small amounts of monies with the Cooperative Bank and would not be at risk. The procurement process in terms of banking arrangements for 2015 were due to conclude shortly and the Council would be making an announcement over the coming months.

Resolved

- (i) That the mid-year treasury management position be noted; and
- (ii) That the Council agree the proposed rating changes to remove the "standalone" ratings from Fitch (Viability) and Moody's (Financial Strength) as a selection criteria for approved counterparties.

12 Changes to the Constitution - Scrap Metal Dealer Licences, Common Land and Town and Village Greens

The Council noted a report of the Head of Legal and Democratic Services which detailed a number of amendments made to the Constitution to reflect changes in the law or to correct inaccuracies. The changes had been made following consultation with the Leader of the Council in his capacity of Chairman of the Constitution Working Group (for copy see file of Minutes).

13 Changes to the Constitution - Officer Scheme of Delegations

The Council noted a report of the Head of Legal and Democratic Services regarding amendments made to the Officer Scheme of Delegations contained in the Constitution to reflect changes in the law or to correct inaccuracies (for copy see file of Minutes).

14 Statement of Returning Officer

The Council noted the Statement of the Returning Officer following recent by-elections in the Burnopfield and Dipton, and Evenwood Electoral Divisions (for copy see file of Minutes).

15 Motions on Notice

In accordance with a Notice of Motion, it was **Moved** by Councillor B Glass, **Seconded** by Councillor L Armstrong:

Northern and Transpennine is the largest train franchise in the UK. The franchise runs trains across the North of England, serving a population of nearly 15million, calling at over 500 stations and managing 462 stations.

Government proposals on the re-franchising of the network require the loss of hundreds of essential, skilled rail jobs, by introducing driver only trains and removing the roles of conductors and station staff. This will negatively impact on the service with major passenger safety implications.

Durham County Council urges the Government and Northern Rail to protect the interests of passengers and the communities who rely on these rail services by withdrawing these proposals and instead to hold meaningful consultations to deliver properly funded, properly staffed and affordable railways in the North.

In moving his motion, Councillor Glass informed the Council that the measures being introduced would not only result in the loss of hundreds of decent, relatively well paid, skilled jobs in the North but also impact massively on passenger service.

Councillor Glass felt that safety would be compromised with the specific introduction of driver only operation. The loss of train guards/conductors, station de-staffing and ticket office closures would negatively impact on the service with major safety implications and there was a view that maintaining highly visible staffing levels was the most effective way of improving security and safety on the rail network with evidence consistently provided to that effect.

Councillor A Watson agreed with the sentiments of the motion but felt that the purpose of the motion, i.e. 'to hold meaningful consultations' was too late simply because consultation on the issue had ended and that any motion submitted should look to simply look to stop the refranchising of the network.

Councillor Wilkes felt that the motion presented was ineligible to be voted on in its form and would be proposing an amendment which would seek to ensure that all rail services were protected.

Prior to Councillor Wilkes moving an amendment the Head of Legal and Democratic Services informed the Council that the motion submitted by Councillor Glass was legal and acceptable.

An **Amendment** was **Moved** by Councillor Wilkes, **Seconded** by Councillor Martin that:

Durham County Council urges the Government and Northern Rail to protect the interests of passengers and staff, and the communities who rely on Northern and Transpennine rail services, whilst recognising that to do this the service must modernise.

This Council further supports government proposals to invest billions of pounds of additional capital into rail services in the North of England, and calls on this and any future Government to ensure transparency in all tender processes through the permitting of all interested parties including the public sector to bid for franchises.

Councillor Glass did not accept the amendment put forward by Councillor Wilkes.

Upon a vote being taken, the Amendment was **lost**.

Upon a further vote being taken the Motion was **carried**.

16 Questions from Members

There were no questions from Members.

21 January 2015

Report from the Cabinet



Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 17 December 2014 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 20 January 2015 in order for them to be displayed on the screens in the Council Chamber.

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17 December

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Key Decision: CORP/R/14/02
- Item 2 Quarter 2 2014/15 Performance Management Report
- Item 3 Welfare reform and poverty issues
- Item 4 Review of Current Policy on 20 mph Zones and Limits

- 1. **Medium Term Financial Plan (5), Council Plan and Service Plans 2015/16-2017/18 and Council Tax Base for 2015/16**
Key Decision: CORP/R/14/02
Leader and Deputy Leader of the Council – Councillors Simon Henig, and Alan Napier
Contact – Jeff Garfoot 03000 261 946

We have considered a joint report of the Corporate Director, Resources and the Assistant Chief Executive which provided an update on the 2015/16 Budget and Medium Term Financial Plan MTFP(5) and sought approval for the Council Tax base position for 2015/16 and Council Plan and Service Plans 2015/16 to 2017/18.

The financial outlook for the Council continues to be extremely challenging. The Chancellor of the Exchequer's March 2014 Budget confirmed that funding cuts to the public sector will continue until at least 2018/19. Between 2011/12 and the end of 2014/15 the Council will have delivered £136.9m of savings. It is forecast that by the end of the MTFP (5) period 2015/16 to 2017/18 additional savings of £88.501m could be required as outlined in medium term financial plan model shown at Appendix 2 to the report. The Council's cumulative savings total between 2011/12 and 2017/18 is now £225.4m.

The Council has utilised reserves of over £10m in 2014/15 to smooth the delivery timetable of some of our savings projects and thereby reduce the immediate impact of service reductions upon the public. It is likely that this approach will become a constant feature of budget planning in the MTFP (5) period and beyond as the Council continues to deal with the uncertainty of future financial settlements, and seeks to delay where practical, the impact of service cuts.

The Council's proposed savings plans to deliver the £16.283m savings for 2015/16 were detailed in the report at Appendix 3.

The recent party conference season has confirmed the expectation that Health and Education budgets are likely to continue to be protected during this period of austerity. In addition the Scottish Independence Referendum 'no' vote outcome has resulted in a commitment to give more devolved financial powers to Scotland and possibly English regions with no changes at this stage to the Barnett Formula which has been in existence since 1978. The Barnett Formula is having a beneficial financial impact on public spending in Scotland, Wales and Northern Ireland to the detriment of areas such as the north east.

All of these announcements clarify that public spending, particularly in Local Government; will continue to face significant funding reductions until possibly 2020 and maybe beyond. The impact upon Local Government could be significantly worse if other Government Departments such as Defence and Overseas Aid are afforded some level of protection.

Against this background, it is prudent that the Council continues to plan for the future on the basis that Local Government will continue to face significant funding reductions across the MTFP(5) period and beyond. This planning will continue to utilise the output from the extensive 2013 MTFP consultation process. The Council will continue to plan ahead, will assess the impact of savings plans, will identify efficiencies and protect frontline services wherever possible.

The flexible utilisation of a 'Planned Delivery Programme' (PDP) Reserve, as agreed by us in the MTFP (5) Strategy Report on 16 July 2014, will be used to best effect from 2016/17 to smooth the impact of having to make further savings from cuts in services.

Decision

We have:

- Noted the adjustments to the 2015/16 Budget model and the saving requirement of £16.283m
- Noted the savings to achieve the current 2015/16 saving target of £16.283m
- Noted the revised savings requirement for 2016/17 and 2017/18 of £72.218m
- Noted the creation of a Planned Delivery Programme reserve of £10m
- Approved the Council Tax Base for the financial year 2015/16 for the County, which has been calculated to be 130,493.0 Band D equivalent properties.
- Noted the process outlined for consultation
- Agreed the draft objectives and outcomes framework as a basis of the development of our plans
- Considered the equality impacts identified and mitigating actions both in the report and in the individual equality impact assessments which have been made available in the Members Resource Centre;
- Noted the programme of future work to ensure full impact assessments are available where appropriate at the point of decision, once all necessary consultations have been completed;
- Noted the ongoing work to assess cumulative impacts over the MTFP period which is regularly reported to Cabinet.

2. Quarter 2 2014/15 Performance Management Report **Leader of the Council – Councillor Simon Henig** **Contact – Jenny Haworth 03000 268 071**

We have considered a report of the Assistant Chief Executive which presented progress against the council's corporate basket of performance indicators and report on the significant performance issues for the second quarter of 2014/15 covering the period July to September 2014.

The report set out an overview of performance and progress by Altogether Priority theme and incorporated a strong focus on volume measures in the performance framework. During the second quarter period 73% of the target indicators have shown either an improvement or have maintained current performance and 78% are approaching, meeting or exceeding target. This is an improvement from quarter one when 65% of indicators had improved or

maintained performance and 67% were approaching, meeting or exceeding target. Performance for tracker indicators is less positive as 63% improved or maintained, reflecting the ongoing impact of the economic downturn on the county. 90% of Council Plan actions have been achieved or are on target to be achieved by the deadline, less than quarter one when 93% of actions had been achieved or were on target.

Figures confirm the UK economy grew again this quarter, surpassing its pre-recession peak from 2008, although County Durham continues to be affected by high unemployment, and low levels of potential job creation. Despite lower than average employment levels and increases in reported crime, there continues to be good progress made in many areas. These areas include reduced Job Seeker's Allowance claimants, increased occupancy of business lettings and council owned housing, continuing high levels of educational attainment and adult care provision, improved street and environmental cleanliness and benefits processing. The council has again seen increases in demand for key frontline services concerning the number of people rehoused and the number of fly tipping incidents reported. Requests for information under the Freedom of Information Act or Environmental Information Regulations continue to increase.

Decision

We have:

- a. Noted the performance of the council at quarter 2 and the actions to remedy under performance.
- b. Agreed all changes to the Council Plan outlined:

Altogether Wealthier

- i. Agree the development plan of Elvet waterside due October 2014. Revised date: August 2015
- ii. Agree a delivery plan for Milburngate House due June 2015. Revised date: September 2015.
- iii. Relocate the bus station on North Road due December 2015. Revised date March 2016.
- iv. Construction of a new railway station at Horden on the Durham coast railway line due March 2016. Revised date: August 2017.
- v. Work with partners to develop a Houses in Multiple Occupation (HMO) Strategy to improve the standards and quality of HMO accommodation within the private rented sector due July 2014. Revised date: September 2015.

- vi. Bring empty homes back into use through a programme of targeted support due March 2015. Revised date: September 2015.
- vii. Develop and implement a real time travel information system across the county due September 2014. Revised date: December 2014.

Altogether Better Council

- viii. Deliver and complete the current accommodation programme for council buildings due November 2015. Revised date: February 2016

Deleted Actions

Altogether Wealthier

- ix. Complete road access improvements at Front Street, Stanley due December 2014.

- c. Agreed changes to performance indicators outlined below:

Altogether Healthier - Four week smoking quitters per 100,000 – revision of annual target from 1,126 to 1,133 per 100,000, due to changes to the population figures, although the actual number of quitters remains the same at 4,813.

3. Welfare Reform and Poverty Issues

Leader and Deputy Leader of the Council – Councillors Simon Henig, and Alan Napier, and Cabinet Portfolio Holder, Councillor Eddie Tomlinson

Contact – Roger Goodes 03000 268 050

We have considered a joint report of the Assistant Chief Executive, Corporate Director, Resources and Corporate Director, Regeneration and Economic Development which outlined how the Council is responding to welfare reform and poverty issues.

The Welfare Reform Act 2012 consolidated a raft of changes intended to reduce government spending on welfare by encouraging people to support themselves through work, rather than welfare. Progress with implementation and analyses of the impacts on the county have been the subject of a number of update reports to Cabinet. We agreed to broaden the scope of the welfare reform policy work and the Welfare Reform Steering Group to take a more comprehensive overview of poverty issues.

Using the council's performance management framework, currently performance is monitored through a sub-set of welfare reform management information and performance indicators, which track:

- a) the proportion of council owned housing that are empty;
- b) the proportion of council owned housing that is not available to let and has been empty for more than 6 months;
- c) first time entrants to the Youth Justice System aged 10 - 17 (per 100,000 population of 10-17 year olds);
- d) the number of repeat incidents of domestic violence (referrals to Multi-Agency Risk Assessment Conferences [MARAC]);
- e) first time entrants to the Youth Justice System aged 10 - 17 (per 100,000 population of 10-17 year olds);
- f) current tenant arrears as a percentage of the annual rent debit.

Given that we have agreed to broaden the scope of the welfare reform steering group to take a more holistic view of poverty issues within the context of welfare changes, the report proposed to augment the framework by tracking a broader range of poverty-related issues. This would enable the focus to be on preventative work to avoid households getting into financial difficulties and to develop targeted interventions aimed at supporting the poorest households in the greatest need. The report proposed that further work should focus around the following themes:

- a) Attitudes to poverty and raising its profile;
- b) Focus on child poverty;
- c) Involvement of agencies with direct involvement in poverty;
- d) Credit and debt;
- e) Further welfare reform and benefit changes;
- f) Work and personal wellbeing and sense of worth.

Decision

We have noted the contents of the report and agreed the further work programme as outlined in the report.

4. Review of Current Policy on 20 mph Zones and Limits Cabinet Portfolio Holder – Councillor Brian Stephens Contact – Sheila Palmerley 03000 265 731

We have considered a joint report of the Corporate Director, Children and Adults Services, Corporate Director, Regeneration and Economic Development and Corporate Director, Neighbourhood Services, to assess the evidence regarding the effectiveness of 20mph speed zones and limits within the county; and to recommend options for future policy. This followed the

recommendation of Overview and Scrutiny to Cabinet that this should be considered in line with new Department for Transport guidance.

In County Durham, overall serious casualty numbers are low in comparison to other areas, but the Council and its partners would like to reduce them further, and get more people active through walking and cycling. In recent years many local authorities have introduced a range of 20 mph zones and limits (outlined in Appendix 6 of the report).

The County Council's current policy on 20 mph zones/limits was approved by Cabinet in 2003. The policy recommended that 20 mph zones were considered in three specific areas: around schools, in areas where there were above average accidents - particularly child accidents, and in areas adjacent to facilities for vulnerable road users where demand was significant enough (such as adult day centres). The policy recommended that 20mph limits would not be introduced on their own, based on the available evidence at the time. Two 20 mph zones and one 20mph limit only scheme have been introduced in the county area in the past 10 years (detailed in appendix 6 of the report). The principal piece of national guidance (Transport Circular 01/2013) from the Department for Transport (DfT) has changed since the Council's current policy was developed and now supports consideration not only of 20mph zones but also 20mph limits where conditions are suitable. The guidance includes a specific objective relating to 20 mph speed limits that local authorities should:

Consider the introduction of more 20 mph limits and zones, over time, in urban areas and built-up village streets that are primarily residential, to ensure greater safety for pedestrians and cyclists.

The National Institute of Health and Care Excellence (NICE) provide evidence based national guidance and advice to improve health and social care. NICE have systematically reviewed the available evidence on 20 mph limits/zones and recommended:

Introduction of engineering measures to reduce speed in streets that are primarily residential or where pedestrian and cyclist movements are high.

The available evidence suggests that 20mph zones are effective in reducing speeds and casualties, with research suggesting that the number of collisions involving children could be reduced by up to two thirds. The Council's Public Health team collaborated with Durham University to undertake an umbrella review of published evidence on 20mph schemes. This review concluded that 20mph zones and limits are effective in reducing accidents and injuries, but did not differentiate between limits and zones. In developing options, the potential of wider schemes to raise the profile of the need for lower speeds with drivers, and the potential for wider community benefits in terms of promoting healthier travel choices of walking or cycling were considered alongside formal evidence of reductions in collisions. The following three options for future policy change were considered.

Option One: Update the Current Policy in line with new Department for Transport guidelines.

This option proposed that 20 mph zones and limits continue to be carefully considered based upon evidence of inappropriate speed. It was expected that this proposal would not lead to a significant increase in 20 mph zones/limits; typically, the Council would expect to undertake a 20 mph zone/limit scheme every 3 years based upon schemes completed to date.

Option Two: Updated policy plus part-time 20 mph limits on main roads around targeted schools

This option proposed the introduction of part-time 20 mph speed limits at the 33 schools with the highest child casualty rates, including main roads and distributor roads outside of these schools, where road conditions make this a suitable option, and subject to consultation, design and development of individual schemes. It was proposed that the limits would be introduced on an enforceable basis where possible, but in some instances, where the average road speed is above 24mph, they may need to be advisory in line with Department for Transport guidance. This option was in addition to the updated policy in option 1, which would continue to consider zone schemes as well as limit schemes, based on evidence of need, costs, and public views.

Option Three: Updated policy plus part-time 20mph limits on main roads around targeted schools, plus education and awareness raising.

This option proposed targeted proactive education and awareness raising programmes around the introduction of part-time speed limits in addition to Options 1 and 2. This would lead to the development of social marketing programmes alongside the new speed limits, to incorporate:

- Ongoing safety education for children including road awareness and cycling
- Health promotion initiatives to encourage cycling and walking amongst school children and the wider population
- Speed awareness amongst drivers and the wider population

Options 2 and 3 would both involve consideration of 20 mph limits in smaller or larger targeted areas of the following main towns, depending on evidence of collisions:

Bishop Auckland
Chester le Street
Consett
Durham City
Newton Aycliffe
Peterlee
Seaham
Spennymoor
Stanley

The estimated initial capital costs and ongoing annual revenue costs for the range of three options were summarized in the report.

It is generally accepted that a blanket introduction of a 20 mph speed limit across all roads in urban areas would be both time consuming and costly, and it is likely to be difficult to get public support for such a broad approach. There are no other county areas which have implemented such a wide scheme, and given the above considerations this approach was discounted.

The issue of reassurance and local acceptability should not be overlooked, and evidence indicates a good level of potential public support for limits focused on urban and residential areas. Members were therefore recommended to adopt Option 3, part time 20mph limits for schools with the highest accident rates in their vicinity together with linked social marketing measures, alongside the existing, ongoing, demand-led consideration of zone schemes.

In advance of any formal consultation the Authority would look to engage with a wide range of stakeholders; including the police and the local PACT teams, local members, AAPs, schools and their governing bodies and any community or residents organisations representing the areas concerned. Local interest groups would need to be consulted and engaged in the design and development of individual schemes.

The formal procedure for introducing a 20mph limit follows the statutory process of making a 'Speed Limit Order' under the Road Traffic Regulation Act (RTRA) 1984. This is necessary for it to be legally enforceable (in the same way as any other speed limit).

The Order making process includes a statutory consultation, with a requirement to formally publish our intentions and invite comments from the public and key stakeholders. Under the Council's constitution, any objections to making an Order would be reported to the Council's Highways Committee for consideration. The programme of work will be taken forward on a prioritised basis and will be subject to an annual review. It is anticipated it could take up to three years to complete the work in all locations.

Although Durham's casualty numbers continue to fall, there is an opportunity to introduce wider measures to limit speed in built up areas, subject to public and partner engagement. It is therefore proposed that part-time 20mph limits be introduced on main roads around the 33 schools in the county with more than double the average accident rate in their local area, alongside proactive social marketing, as well as updating the existing demand-led approach.

Decision

We have agreed:

- The adoption of Option 3: part-time 20mph limits on main and distributor roads around 33 schools with the highest accident rates,

subject to local consultation and scheme design with associated education and awareness raising work, plus a revised policy statement on 20mph zones and limits, to encompass future evidence-led consideration of limits as well as zones on a demand-led basis.

- That consultation and engagement plans be developed in relation to 20mph speed limit proposals considering local circumstances, views and solutions whilst also including dialogue with local members, AAP's, schools and their governing bodies and community residents associations representing the areas covered.
- That the final revised policy statement be delegated for agreement by the Corporate Director of Regeneration and Economic Development, Corporate Director of Neighbourhood Services and Director of Public Health, in consultation with relevant Cabinet members.
- That the work be taken forward on a prioritised basis and for an annual review to be held.

Councillor S Henig
Leader of the County Council

13 January 2015

County Council

21 January 2015



Members Allowances – Review of the Recommendation of the Independent Remuneration Panel for 2014/15

**Report of Corporate Management Team
Report of Don McLure Corporate Director of Resources
Councillor Simon Henig, Leader of Durham County Council**

Purpose of the Report

- 1 To advise Council to consider the views of the Constitution Working Group on the recommendations of the Independent Remuneration Panel for Members' Remuneration and Allowances for 2014/15, since the 2014/15 pay award for employees has now been agreed at 2.2% with effect from 1 January 2015.

Background

- 2 Under the Local Authorities (Member's Allowances) (England) Regulations 2003 ("the Regulations"), the Council must make a Scheme of Allowances in accordance with the Regulations, which provide for the payment of an allowance in respect of each year to each Member of the Council. This is referred to as "the basic allowance".
- 3 The scheme may also provide for the special responsibility allowances to such Members of the authority as are specified in the scheme and fit within one or more of the categories set out in the Regulations.
- 4 The Regulations also provide that before the beginning of each year, the authority shall review the scheme and before it confirms or amends the scheme, it shall have regard to the recommendations made in relation to it by the Independent Remuneration Panel. The scheme may be amended at any time and where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance, as amended, to apply with effect from the beginning of the year in which the amendment is made.
- 5 Members may recall that at the meeting of Council on 26 February 2014, Council considered the report of the Independent Remuneration Panel for the year 2014/15.
- 6 Council decided to refer consideration of this report to the Constitution Working Group (CWG) to consider. CWG then decided to await the outcome of the employees pay claim for 2014/15 before considering the Panel's recommendations.

- 7 In November 2014, the Local Government Employers and the Trade Unions settled the 2014/15 pay claim and all employees earning £14,880 and above will receive a 2.2% pay increase from January 1 2015, with higher percentage increases for those earning less than this. The award will not be back-dated to 1 April 2014 and will run until 31 March 2016.
- 8 On 11 December 2014, CWG was invited to consider what recommendation it would wish to make to Council for Members Allowances for the year 2014/15 based upon the Independent Remuneration Panel's recommendations which are set out below:
- (i) that Members' car mileage travelling expenses should be paid at 48p per mile;
 - (ii) the basic Members Allowance should be increased by 1%;
 - (iii) there be no changes to the Special Responsibility Allowances.
- 9 A copy of the report that was considered by Full Council on 26 February 2014 is attached at Appendix 2 and it is a matter for the Council as to whether it wishes to accept the recommendations as set out above.
- 10 Although the Council is not constrained to either decline or accept the recommendations of the Panel and could choose alternative options, possible options for recommendations were put to CWG:-
- **Option one:** To make no changes to the Members Allowance Scheme for 2014/15;
 - **Option two:** To make no changes to the basic allowance, but agree changes to car mileage expenses to 48p per mile;
 - **Option three:** To agree an increase in the basic allowance of 1% and make no changes to the car mileage expenses;
 - **Option four:** To accept both the recommendations of the Panel by increasing the basic allowance by 1% and changing the car mileage expenses to 48p per mile.
- 11 After some deliberation, the CWG decided not to agree any recommendation for Full Council. The Group commented upon whether a mileage rate of 45 pence per mile may be appropriate, but ultimately decided that Council should be asked to consider the three recommendations as set out in paragraph 8.

Recommendations and reasons

- 12 Council is asked to:-
- Consider recommendations of the Independent Remuneration Panel for Members' Allowances for 2014/15; and decide whether the Members Allowance Scheme should be amended in any way;

- Should any recommendations of the Independent Remuneration Panel be accepted, the effective date of implementation be considered.

Background Papers

- 13 Report to County Council 26 February 2014; Report of the Independent Remuneration Panel – Review of Members Allowance Scheme 2014-15; Report to County Council 29 October 2014, Members Allowances - Independent Remuneration Panel Recommendations for 2015/16

Contact: Colette Longbottom Tel: 03000 269 732

Appendix 1: Implications

Finance – increasing Members Allowances by 1% would incur an increase in expenditure the region of £17,000 in a full year which could be met from within existing budget provision.

Staffing – none specific in this report

Risk - none specific in this report

Equality and Diversity/ Public Sector Equality Duty – none specific in this report

Accommodation – none specific in this report

Crime and Disorder – none specific in this report

Human Rights – none specific in this report

Consultation – none specific in this report

Procurement – none specific in this report.

Disability Issues – none specific in this report

Legal Implications – within the body of the report

County Council

26 February 2014

**Report of the Independent Remuneration
Panel – Review of Members Allowance
Scheme 2014-15**



**Report of Colette Longbottom, Head of Legal and Democratic
Services**

Purpose of the Report

- 1 To advise the Council of the review by the Independent Remuneration Panel of the Members Allowances Scheme for 2014/15.

Background

- 2 On 5 February 2014, the following Members of the Panel met to review the Members Allowance Scheme for 2014/15:-

Gill Stephenson
John Cuthbert
John Hitchman
Kate Welch

- 3 The Panel was advised that Members had been invited to submit representations both in writing and in person to the Panel. Two responses had been received.
- 4 One was from a Member who compared the basic allowance with the rate of pay for the lowest paid employees in the Council. This Member was of the view that the current allowances do not reflect the unsociable hours Councillors work, nor the impact of that work on their families. The Member providing this view also stated that it would be inappropriate to receive an increase in allowances whilst the Council is needing to make “drastic cuts and Officers of the Council are not receiving an increase in salary.”
- 5 The Panel was also advised that one Member had made enquiries as to whether the allowances would provide for the financial loss incurred by employers, and had been advised that this was not a provision that the Regulations allowed.
- 6 The Panel was advised of relevant developments during the last year, including the 1% salary increase awarded to staff on JNC pay scales, and of

the impact on employees from the implementation of Job Evaluation with effect from 1 October 2012.

- 7 The report before the Panel also referred to the allowance to cover expenses of office for the Chairman and Vice-Chairman under the 1972 Local Government Act, and of how there was to be a proposal to Council to change the treatment of those allowances so that they were no longer paid in quarterly lump sums, but used instead to defray “out-of-pocket” expenses as they arise.
- 8 An update was provided to the Panel in relation to the formation of a Combined Authority with the seven north east councils including Durham. The Panel was advised that the authority was to be formed with statutory effect from 1 April 2014, but that final information about committees was still being formulated. It was understood that the Order creating the combined authority would not include provision of payment of allowances by that authority.

Allowance Scheme Generally

- 9 Members considered the Members Allowance Scheme in two stages:-

- (i) **Whether mileage rates should be reconsidered.**

At last year’s meeting of the Panel, it considered whether there should be parity between Members and Officers. It had noted the differences in treatment, but, on balance had formed the view that for that year, the arrangement should remain in place. Having further considered this position, the Panel was now of the view that the Members mileage should be the same as for employees, and was concerned that there was an underlying lack of logic in having separate treatment for the two groups.

It was understood by the Panel that the current mileage rate of 48p per mile for JNC employees had been negotiated as part of the Job Evaluation Scheme, and if changes were to be made for the start of the next financial year, then parity could be produced by changing the Members Allowance Car Mileage Scheme.

It is therefore a recommendation of the Panel that Members’ mileage allowance should be paid at 48p per mile irrespective of the engine size of the car, and should employee rates change in the future, Members rates should also change to the same rate at the same time.

- (ii) **The Allowance Scheme**

The Panel considered the Members Allowance Scheme in general and whether it should recommend changes.

In considering this, the Panel was made aware of arrangements in other councils. There was no consistent pattern where some councils

had increased allowances, some had reduced, and others had made no change.

The Panel was advised by the Corporate Director of Resources, of the financial position of the Council and of significant budget cuts that continue to be needed to be made in the next few years. The panel was of the view that austerity would be a continuing theme in local authority finances for the next few years. It was also aware of the outcome of the recent countywide consultation of the community in relation to budget priorities, and that increasing Members allowances had not been advanced by those consulted.

The countywide local elections took place in May 2013, and the Panel was aware that the demography of the Councillors had changed to some extent, including an increased number of younger Councillors and women. The Panel considered that the current allowances had not therefore appeared to have been a significant deterrent in attracting new Councillors to the role.

The Panel was, however, mindful of the fact that the allowances have been unchanged since Local Government Review in 2009. The value of those allowances has therefore suffered some significant erosion when taking into account inflation. It was the Panel's view that it was important that people from low incomes and different backgrounds should not be deterred from democratic representation due to lack of means. It was also the view of the Panel that there was no realistic correlation between the salaries of its staff and the allowances of its Members, the latter being of a voluntary nature rather than a contractual one. The Panel was not, therefore, minded to propose significant increases in allowances. It was, however, of the view that if there was to be no adjustment of allowances during the ongoing forecasted period of austerity, the value of the allowance would eventually be so diminished that it would not serve the purpose of aiding those with limited means to become involved in local democracy.

The Panel was also concerned that the continuing austerity within public sector spending would inevitably mean that the Council would have to make more and more difficult decisions about service provision and this would impact upon the workloads of Councillors. In short, it was likely that the workload of Councillors would increase, become more challenging, time consuming and challenging.

On balance, therefore, the Panel was of the view that a 1% increase in the basic allowance would be appropriate.

The main purpose behind this proposal is to not deter new involvement in democratic representation. For that reason, the Panel did not consider it appropriate to increase any of the special responsibility allowances as the roles qualifying for these allowances are usually held by experienced Councillors.

Members of the Panel were aware that this proposal to increase Members Allowances by 1% would incur an increase in expenditure in the region of £17,000 a year from 2014/15 which could be funded from forecasted budgets.

Recommendations and reasons

10 In conclusion, the recommendation of the Independent Remuneration Panel for 2014/15 is:-

- (iv) that Members' travelling expenses should be paid at 48p per mile;
- (v) the basis Members Allowance to be increased by 1%;
- (vi) there be no changes to the Special Responsibility Allowances.

Background Papers

Report of the Head of Legal and Democratic Services to the Panel dated the 5 February 2014.

Contact:	Colette Longbottom	Tel:	03000 269 732
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County Council

21 January 2015

Questions at Council



Report of Colette Longbottom, Head of Legal and Democratic Services

Councillor Simon Henig, Leader of Durham County Council

Purpose of the Report

- 1 To advise Council of a recommendation of the Constitution Working Group in relation to questions that can be raised at Full Council meetings.

Background

- 2 The Council's current Rules of Procedure, the relevant section of which is attached at Appendix 2, allow members of the public to ask up to three questions. This is a facility which has existed for some years.
- 3 When this facility was included in the Rules of Procedure, there were limited facilities for members of the public to raise issues of concern.
- 4 Following Local Government Review, the facility for residents to ask questions of the Council and raise issues which concern them have been increased, in particular, through the Area Action Partnerships. The Council also continues to operate a Petitions Scheme, including the facilities for electronic petitions after legislation, requiring it do so was repealed and recently overhauled the petitions process to make it easier to understand and use.
- 5 The Group was of the view that it is important that residents should be able to raise the profile of issues important to them in their locality. The Area Action Partnerships (AAPs) are a useful and successful channel for raising such issues. Since their launch in 2009, AAPs, with their Boards made up of seven public members and their staff based within communities, have become well established means for people to raise local concerns. In addition to the regular Board meetings, where public attendees regularly raise neighbourhood issues, AAP co-ordinators regularly deal with day to day issues raised with them in their local offices. These contacts mean the AAPs are an effective means to gauge broader issues of common concern across a locality. They also provide a significant convenience to residents by not requiring a journey to County Hall in order to raise their questions.
- 6 Members will be aware that Cabinet have operated a system of prioritising questions from AAPs in the public questions section, and on the 3rd October 2014, the Constitution Working Group considered whether the Rules of Procedure should be changed to include provision for questions to be raised on behalf of Area Action Partnerships so that issues raised at AAP meetings

that are more relevant to Council powers than the Executive, can be raised at Council.

- 7 The group also considered the nature of questions made at more recent Council meetings, and whether some of them could have been more meaningfully addressed in other ways. The group were concerned about the Council meeting being used as an alternative complaints process, and of the time used in either accommodating sometimes lengthy speeches or the Chairman, feeling compelled to repeatedly intervene to limit the length of speeches in order to enable business to proceed.
- 8 The Group also considered the fact that the facility for public questions is one that is used and that withdrawing it may create the unintended impression that public engagement in the democratic process, was not welcome. Having considered this, the Group came to the conclusion that the facility for public questions should remain, but that there should, in order to ensure that all Council business is transacted at a meeting, be time restrictions for dealing with them. In order to ensure that as many people as possible have the opportunity to raise questions in the time allowed, the group also agreed to recommend that questions should be limited to one per person, and that a protocol should be presented for Council approval, to inform people about what sort of questions would be declined to proceed to Council.
- 9 To this end the group requested that the Head of Legal and Democratic Services present amended Rules of Procedure for its consideration, covering the following:-
 - Incorporation of an agenda item for AAP questions for ordinary meetings of the Council;
 - Continuation of an item of public questions for ordinary meetings of the Council;
 - Limiting the time for public questions to 10 minutes; and
 - Allowing one question per person.
- 10 Draft amended Rules of Procedure are attached at Appendix 3, and a draft Protocol for members of the public wishing to ask questions at Council appears at Appendix 4.

Recommendations and reasons

- 11 Council is asked to:-
 - (i) Approve the draft amended Rules of Procedure at Appendix 3; and
 - (ii) Approve or amend the draft protocol at Appendix 4, and agree its inclusion in the Constitution at the May Annual General Meeting.

Contact:	Colette Longbottom	Tel: 03000 269 732
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Appendix 1: Implications

Finance - none specific in this report.

Staffing - none specific in this report.

Risk - none specific in this report.

Equality and Diversity / Public Sector Equality Duty - none specific in this report.

Accommodation - none specific in this report.

Crime and Disorder - none specific in this report.

Human Rights - none specific in this report.

Consultation - none specific in this report.

Procurement - none specific in this report.

Disability Issues - none specific in this report.

Legal Implications - none specific in this report.

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Chairman of the Council is not present;
- (ii) elect the Chairman of the Council;
- (iii) elect the Vice-Chairman of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or the Head of Paid Service;
- (vi) subject to Article 7.02, elect the Leader in the year of an ordinary election of councillors;
- (vii) appoint the Overview and Scrutiny Committees, the Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (viii) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (ix) approve a programme of ordinary meetings of the Council for the year; and
- (x) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) decide which committees and sub-committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;

- (iv) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.
- (v) appoint the Chairmen and Vice-Chairmen of Committees.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Chairman;
- (v) receive a report from the Leader and receive questions and answers on the report;
- (vi) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions.
- (vii) receive petitions from the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions;
- (viii) receive a report from the Executive and receive questions and answers on the report;
- (ix) receive reports from the Council's committees and receive questions and answers on those reports;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Management Board;
- (xii) consider motions; and
- (xiii) deal with questions from Members in accordance with Rule 10.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

The Head of Legal and Democratic Services may call Council meetings in addition to ordinary meetings and those listed below may request the Head of Legal and Democratic Services to call additional Council meetings:

- (i) the Council by resolution;
- (ii) the Chairman of the Council;
- (iii) any 5 Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Chairman may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4. TIME, PLACE AND DURATION OF MEETINGS

4.1 Time and Place of Meetings

The time and place of meetings will be determined by the Head of Legal and Democratic Services and notified in the summons.

4.2 Duration of Meetings

- (a) At an ordinary meeting of the Council, when two and a half hours have elapsed after the commencement of the meeting, the Chairman shall, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.
- (b) If there are other motions or recommendations on the agenda that remain to be dealt with they will be deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.
- (c) During the process set out in paragraphs (a) and (b) above the only other motions which may be moved are that a matter be withdrawn under Rule 13.8, that a particular Rule be suspended under Rule 22.1 or that a matter be delegated or referred to the Executive, a committee or sub-committee for decision or report under Rule 12.
- (d) When all motions and recommendations have been dealt with, the Chairman will declare the meeting closed.

5. NOTICE OF AND SUMMONS TO MEETINGS

The Head of Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting, the Head of Legal and Democratic Services will send a summons signed by him to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

7. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. QUESTIONS BY THE PUBLIC

8.1 General

Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council.

8.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

8.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

8.4 Number of questions

At any one meeting no person may submit more than 3 questions and no more than 3 such questions may be asked on behalf of one organisation.

8.5 Scope of questions

The Head of Legal and Democratic Services may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the County;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information.

8.6 Record of questions

The Head of Legal and Democratic Services will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be available to all Members and the public attending the meeting. Copies of the questions asked at the meeting and the responses will also be available on the Council's website for a two year period.

8.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

8.8 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. Copies of the questions and responses will be available on the Council's website for a two year period.

8.9 Reference of question to the Executive or a committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

9. Petitions from the Public

9.1 Notice of Petition

If a citizen wishes to present a petition to a Council meeting, notice must be given at least 10 working days before the meeting.

9.2 Presentation of Petitions

The petition organiser will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition.

9.3 Number of Petitions

At any one meeting no person or organisation may present more than one petition.

9.4 Scope of Petitions

The Head of Legal and Democratic Services may reject a petition if it:

- Does not qualify under the scheme
- It is vexatious, abusive or otherwise inappropriate
- It is a petition qualifying under another enactment
- It is excluded by order e.g.
 - It relates to a planning decision
 - It relates to a licensing decision
 - It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment

10. QUESTIONS BY MEMBERS

10.1 On reports of the Executive or committees

A Member of the Council may ask the Leader or the chairman of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.4, a Member of the Council may ask:

- (a) the Chairman, a member of the Executive or the chairman of any committee or sub-committee, a question on any matter in relation to which the Council has powers or duties or which affects the County, and
- (b) the Chairman of the County Durham and Darlington Fire and Rescue Authority, a question on the business of the relevant Authority.

10.3 Questions on notice at Committees and Sub-Committees

Subject to Rule 10.4, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the County and which falls within the terms of reference of that committee or sub-committee.

10.4 Notice of questions

A member may ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given notice of the question in writing or by electronic mail no later than midday 3 working days before the day of the meeting to the Head of Legal and Democratic Services; or
- (b) the question relates to urgent matters, they have the consent of the Chairman or member to whom the question is to be put and the content of the question is given to the Head of Legal and Democratic Services by 9.00 a.m. on the day of the meeting.

10.5 One Question per Member

A Member may ask only one question under Rule 10.2 or 10.3 except with the consent of the Chairman of the Council, committee or sub-committee.

10.6 Order of Questions

Questions of which notice has been given under Rule 10.2 or 10.3 will be listed on the agenda in the order determined by the Chairman of the Council, committee or sub-committee.

10.7 Content of Questions

Questions under Rule 10.2 or 10.3 must, in the opinion of the Chairman:

- (a) contain no expressions of opinion;
- (b) relate to matters on which the Council has or may determine a policy;
- (c) not relate to questions of fact.

10.8 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

10.9 Supplementary question

A Member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

10.10 Length of Speeches

A Member asking a question under Rule 10.2 or 10.3 and a Member answering such a question may speak for no longer than three minutes unless the Chairman consents to a longer period.

10.11 Time Allowed for Questions at Council Meetings

- (a) The time allowed for consideration of questions submitted under Rule 10.2 shall not, without the consent of the Council, exceed 30 minutes;
- (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chairman shall conclude the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

11. MOTIONS ON NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion, must be delivered to the Head of Legal and Democratic Services not later than 5.00 p.m. on the seventh working day before the Council meeting at which it is to be considered. Motions received will be entered in a book open to public inspection.

11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the Chairman.

11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the County.

11.4 Motion to remove the Leader

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent

to 15% of the total number of councillors on the Council and which includes councillors from at least 2 political groups.

- (b) In order for such a motion to be carried it must have the support of at least two-thirds of those members voting and present in the room at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

11.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Chairman.

11.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 30 minutes. At the conclusion of the speech being delivered at the expiry of 30 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chairman shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- (a) if the speech to be concluded is a speech proposing a motion, the Chairman shall allow the motion to be formally seconded (without comment);
- (b) if the speech to be concluded is a speech moving an amendment, the Chairman shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and
- (c) otherwise, the Chairman shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;

- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion, subject to the provisions of the Budget and Policy Framework Procedure Rules in relation to amendment of the Executive's proposals for the Council's budget and policy framework;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him before it is discussed.

13.3 Seconded's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

13.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- (b) A speech by the mover of a motion may not exceed five minutes without the consent of the Chairman.
- (c) Subject to paragraph (d) below, speeches by other Members may not exceed three minutes without the consent of the Chairman.
- (d) When the Council's annual budget is under discussion, the Leader of each political group on the Council may speak for up to five minutes or such longer period as the Chairman shall allow.

13.5 When a Member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or

(iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

- (a) A member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of motion

A member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his amendment.

13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

13.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

14. STATE OF THE COUNTY DEBATE

14.1 Calling of debate

The Leader may call a state of the County debate annually on a date and in a form to be agreed with the Chairman.

14.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the County debate.

14.3 Chairing of debate

The debate will be Chaired by the Chairman.

14.4 Results of debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten members.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. VOTING

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

16.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

16.3 Method of Voting

Unless a recorded vote is demanded under Rule 16.4 the Chairman will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

16.4 Recorded vote

If ten members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

16.6 Voting at budget decision meeting

Immediately after any vote is taken at a budget decision¹ meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting.

16.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

17. MINUTES

17.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

17.3 Form of minutes

Minutes will contain all motions and amendments in the form and order the Chairman put them.

18. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

¹ Budget decision means calculation of the Council tax requirement, calculation of the basic amount of Council tax, additional calculations where special items relate to part only of the area, calculation of Council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Speaking at meetings

When a member speaks at full Council he must address the meeting through the Chairman. If more than one member signifies their intention to speak, the Chairman will ask one to speak. Other members must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 Chairman speaking

When the Chairman speaks during a debate, any member speaking at the time must stop.

20.3 Member not to be heard further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

20.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he thinks necessary.

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

21.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Council Rules of Procedure except Rule 11.4(c), 16.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting. Rule 11.4(c) can only be suspended by motion on notice and the motion must have the support of at least two thirds of those members present and voting.

22.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive. Only Rules 4-7, 10-13, 15-23 (but not Rule 20.1) apply to meetings of committees and sub-committees. Rule 7 does not apply to meetings of the Statutory Licensing Sub-Committees or the Area Licensing Sub-Committees or the Appeals Sub-Committees for which the quorum is as specified in Part 3A of this Constitution.

24. APPOINTMENT OF SUBSTITUTE MEMBERS ON COUNCIL BODIES

24.1 The substitution rules will not apply to meetings of the Executive, the Standards Committee or the Audit Committee.

24.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.

24.3 The Proper Officer may consider a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

24.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.

24.5 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

24.6 Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are designated substitute.
- (ii) where the ordinary Member will be absent for the whole of the meeting;
- (iii) where the ordinary Member has notified the Head of Legal and Democratic Services or the Democratic Services Manager of the intended substitution at least one hour before the start of the relevant meeting; and
- (iv) provided, in the case of area committees, that the substitution does not alter the balance on that committee between Members from the area and Members from the rest of the County.

Appendix 3: Revisions to the Council Procedure Rules

Amendments to paragraphs 2 and 8 of the Council Procedure Rules

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Chairman;
- (v) receive a report from the Leader and receive questions and answers on the report;
- (vi) receive questions from, and provide answers to those that are submitted through Area Action Partnerships (AAPs), which in the opinion of the Chairman are relevant to the Council's functions.
- (vii) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions.
- (viii) receive petitions from the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions;
- (ix) receive a report from the Executive and receive questions and answers on the report;
- (x) receive reports from the Council's committees and receive questions and answers on those reports;
- (xi) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Management Board;
- (xiii) consider motions; and

(xiv) deal with questions from Members in accordance with Rule 10.

8. QUESTIONS BY THE PUBLIC

8.1 General

Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council.

8.2 Time Allowed for questions

The time allowed for considering questions under this Rule shall not, without the consent of the Council, exceed 10 minutes.

8.3 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

8.4 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Democratic Services no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

8.5 Number of questions

At any one meeting no person may submit more than 1 3 questions and no more than 1 3 such questions may be asked on behalf of one organisation.

8.6 Scope of questions

The Head of Legal and Democratic Services may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the County;
- is defamatory, frivolous or offensive;
- is vexatious or abusive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- is lengthy, or a speech;

- relates to a matter which is of purely personal concern to an individual or family members;
- relates to court action or threatened court action that the person or group are taking against the Council;
- is a request for compensation;
- contains a statement which is untrue;
- is an unintelligible question.

8.7 Record of questions

The Head of Legal and Democratic Services will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be available to all Members and the public attending the meeting. Copies of the questions asked at the meeting and the responses will also be available on the Council's website for a two year period.

8.8 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

8.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer. Copies of the questions and responses will be available on the Council's website for a two year period.

8.10 Reference of question to the Executive or a committee

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

Appendix 4: Protocol for Members of the Public wishing to ask questions at a meeting of the Council.

Protocol for Members of the Public wishing to ask questions at a meeting of the Council.

Durham County Council welcomes the involvement of members of the public in the democratic process and welcomes questions from members of the public on issues of importance to their neighbourhood.

This is why the Council encourages members of the public to become involved with their local Area Action Partnerships (AAPs) which are ideal places for residents to talk about local concerns and influence what is done about them. This is why, at public question-and-answer sessions at both Cabinet and Council, priority is given to questions that have been submitted by the public through the AAPs

The Council understands that, sometimes an issue may be important to a neighbourhood, but it has not been possible or convenient for residents to raise this through the AAPs in time.

The Council therefore allows members of the public to ask one question each on a matter of local concern.

Committee services staff who can be contacted at..... are happy to assist residents in understanding the process for asking the question.

Normally, your question will be forwarded to chief officers and the relevant Council members so that an answer can be prepared for your question and you are given the answer on the day that you ask it.

Committee services, will however sometimes advise you that your question may not proceed. This may be because your question is not suitable for Council.

Examples of sort of question would not go forward the Council?

- Lengthy questions running into paragraphs that are really speeches. There is a limited time for questions at Council and speeches cannot be accommodated.
- Matters of purely personal concern to you or family members. These can be addressed by talking to officers and your local member. If they are concerns regarding a service, then the Council has complaints processes in place and the Council meeting is not part of the complaints process.
- Court action or threatened court action you are taking against the Council. The council meeting is not the place to debate issues before the court decides upon them.
- Requests for compensation. The Council cannot pay out compensation simply because it is asked to do so in the Council chamber. Claim should be made to legal and Democratic services.

- Questions which contain a statement which is untrue.
- A Question which is vexatious or abusive. Vexatious does not mean annoying. In this context it means that your question is on a matter that you have pursued through other avenues to the point where you have been advised that the Council cannot assist you any further and will not be answering any further correspondence on the point. Abusive could include using inappropriate language or naming individuals in a derogatory way or a question used as part of a process targeted at an individual.
- Question which is defamatory, frivolous or offensive
- A question, an answer for which would require the disclosure of confidential or exempt information.
- A Question which is not about a matter for which the Council is not responsible
- A question which is substantially the same as one which is being put at a meeting of the Council in the past six months;
- An unintelligible question. In order to answer your question properly, Council needs to understand it. This is why questioners are advised to keep their questions as clear and short as possible.

County Council

21 January 2015

Updated Local Code of Corporate Governance



Report of Don McLure, Corporate Director Resources

Purpose of the Report

1. For the Council to consider the inclusion of the updated Local Code of Corporate Governance in the revised Council Constitution.

Background

2. The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way which functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
3. Good corporate governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality and inclusivity. Corporate governance is also the structure through which strategic objectives are set and performance monitored. Best practice principles in that regard flow from the three core components of the Turnbull Report* namely the assessment of corporate risk; effective management systems and the enabling of the organisational culture.
4. In discharging this overall responsibility the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risks.
5. The Council has approved and adopted a Local Code of Corporate Governance which is consistent with the principles of the Chartered Institute of Public Finance and Accountancy (CIPFA)/Society of Local Authority Chief Executives (SOLACE) Framework – 'Delivering Good Governance in Local Government'. This Code is a public statement that sets out the way the Council will meet its commitment to demonstrating that it has the necessary Corporate Governance arrangements in place to perform effectively. It represents a key component of the Council's governance arrangements. The Code applies to all Council Members, Officers, Partners and stakeholders in their dealings with the Council. The current Code can be found in Part 5, 'Codes and Protocols' section of the Council's Constitution.

*In 1999, the Chartered Accountants of England and Wales issued *Guidance for Directors on the Combined Code* (The Turnbull Report). The Report became one of the principal authorities on this subject and recognised three key components for the successful management of corporate governance.

governance arrangements.

7. The updated version is attached in Appendix 2. The changes, which are marked with grey highlight in the report, are summarised below and cross-referenced to the appropriate paragraph in the Code:

2.4, bullet 4.

Additional text: *“Monitoring the condition, suitability, sufficiency and accessibility of property through the Corporate Property Strategy and the Corporate Asset Management Plan.”*

2.7, bullet 9.

Additional text: *“Performing a local test of assurance annually to confirm that the merged roles of the Director of Children’s Services and the Director of Adult Social Services have not weakened the focus on outcomes for children and young people.”*

2.10, bullet 1.

The words *“enshrined in the Council Plan and”* have been removed from this sentence as the Council’s values are no longer set out in the Council Plan.

2.11, bullet 1.

Additional text after ‘Maintaining a Standards Committee’: *“responsible for promoting and maintaining high standards of conduct by councillors, independent members and co-opted members.”*

2.11, bullet 3.

This sentence has been removed as the Single Equality Scheme has been replaced by the Equality and Diversity Policy, which is mentioned in the Code.

2.18, bullet 2.

This sentence has been removed for clarification because, although we have adopted the Investor in People principles, we no longer seek formal accreditation.

2.21.

Reference to the *“County Durham Partnership Community Engagement and Empowerment Framework”* was removed from this sentence.

2.22, bullet 4.

This sentence, which also refers to the *“County Durham Partnership Community Engagement and Empowerment Framework”*, has been removed.

2.23, bullet 4.

This sentence, which refers to the publication of an annual performance plan, has been removed.

3.8, Corporate Governance Framework

Added to key documents list:

- Access to Information Procedure Rules
- Children, Young People and Families Plan
- Corporate Property Strategy
- County Durham Plan
- Equality and Diversity Policy
- Office Accommodation Strategy
- Regeneration Statement
- Safe Durham Partnership Plan

Removed from key documents list:

- Acquisition and Disposal Strategy (now part of Corporate Property Strategy)
- Single Equality Scheme
- Transparency Webpage

Added to Contributory Processes list:

- Business Continuity Planning
- Capital Prioritisation Process
- Police and Crime Panel
- Remuneration Panel

8. A chart of the Corporate Governance Review Process is attached in Appendix 3.

Recommendations and Reasons

9. The Council is requested to approve the updated Local Code of Corporate Governance to replace the existing version in the constitution.

Contact: David Marshall Tel: 03000 269648

Appendix 1: Implications

Finance – There are no financial implications associated with this report. However, financial planning and management is a key component of effective corporate governance.

Staffing – There are no impacts on staff, but ensuring the adequate capability of staff meets a core principle of the CIPFA/ SOLACE guidance.

Risk – There are no reportable risks associated with the report, but the assessment of corporate risk is a key component of the Council's governance arrangements.

Equality and Diversity/ Public Sector Equality Duty - Engaging local communities including hard to reach groups meets a core principle of the CIPFA/ SOLACE guidance.

Accommodation – There are no accommodation implications , but asset management is a key component of effective corporate governance

Crime and Disorder – None.

Human Rights - None.

Consultation - Engaging local communities meets a core principle of the CIPFA/ SOLACE guidance.

Procurement – None.

Disability issues – Ensuring access to services meets a core principle of the CIPFA/ SOLACE guidance.

Legal Implications – None.

DURHAM COUNTY COUNCIL

LOCAL CODE OF CORPORATE GOVERNANCE

Introduction

- 1.1. Corporate governance is a term used to describe how organisations direct and control what they do. As well as systems and processes, this includes cultures and values. For local authorities this also includes how a council relates to the communities that it serves.
- 1.2. Good corporate governance requires local authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality and inclusivity. Corporate governance is also the structure through which strategic objectives are set and performance monitored. Best practice principles in that regard flow from the three core components of the Turnbull report, namely: the assessment of corporate risk; effective management systems and the enabling of the organisational culture.
- 1.3. Durham County Council is committed to demonstrating that it has the necessary corporate governance arrangements in place to perform effectively. This Code is a public statement that sets out the way the Council will meet that commitment. As such it represents a key component of the Council's governance arrangements, and is included in the Constitution.
- 1.4. The Code has been developed in accordance with and is consistent with the Chartered Institute of Public Finance and Accountancy (CIPFA)/Society of Local Authority Chief Executives (SOLACE) Delivering Good Governance in Local Government Framework and is based upon the following six core principles:
 - **Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area**
 - **Members and officers working together to achieve a common purpose with clearly defined functions and roles**
 - **Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**
 - **Taking informed and transparent decisions which are subject to effective scrutiny and managing risk**
 - **Developing the capacity and capability of members and officers to be effective**
 - **Engaging with local people and other stakeholders to ensure robust public accountability**
- 1.5. The Code details how the Council will follow these core principles and the supporting principles that underpin them. To complement this, the Code also highlights the key documents and functions which contribute to the Council's good governance arrangements.
- 1.6. The Code also aims to ensure that the corporate governance arrangements help the Council to appropriately respond to sustained pressures from a variety of sources.
- 1.7. The mechanisms for monitoring and reviewing the Council's corporate governance arrangements are set out in the Code.

2. The Six Principles of Good Governance

Principle 1: Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

2.1. The key governance documents supporting this principle are the [Constitution](#) and:

- [Sustainable Community Strategy 2010 - 2030](#) (SCS),
- [County Durham Plan](#)
- [Regeneration Statement 2012 - 2022](#)
- [Safe Durham Partnership Plan 2014 – 2017](#)
- [Joint Health and Wellbeing Strategy 2014 – 2017](#) (JHWS)
- [Safe Durham Partnership Plan 2014 – 2017](#)
- [Council Plan](#), [Service Plans](#), [Medium Term Financial Plan](#) (MTFP), and
- Various reports on subjects including Financial Management, Performance Management, Scrutiny, Risk Management and Internal Audit.

2.2. The Council exercises strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users. This is achieved by:

- Promoting the authority's purpose and vision through the [Sustainable Community Strategy 2010 - 2030](#) (SCS), with our partners on the County Durham Partnership (CDP), and through the strategies and plans listed in paragraph 2.1, above.
- Identifying priorities and actions to support the delivery of the vision in the [Council Plan](#), [Service Plans](#) and the [Medium Term Financial Plan](#) (MTFP).
- Reviewing the Council Plan and the MTFP annually, and the SCS every three years (it was last reviewed in September 2013).
- Setting out in the [Constitution](#) the purposes for which the Executive may enter into partnerships or joint arrangements.
- Ensuring, through the partnership governance framework, that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners, and recorded in the Council's Partnership Register.
- Publishing various reports on a timely basis to communicate the authority's activities and achievements, its financial position and performance.

2.3. The Council ensures that users receive a high quality of service whether directly, or in partnership, or by commissioning, by:

- Maintaining a range of performance management frameworks, internally and through the CDP performance management framework and other partnerships.
- Measuring service quality against locally-led performance indicators and independently-verified performance information.
- Ensuring that the information needed to review service quality effectively and regularly is available.

- Providing a Quarterly [Performance Management Report](#) to Cabinet, ensuring that effective arrangements are put in place to deal with failure in service delivery.
- 2.4. The Council ensures that the authority makes best use of resources and that tax payers and service users receive excellent value for money by:
- Driving value for money improvements in the provision of local services, informed by a variety of benchmarking data and networks. These are delivered through the [Council Plan](#) and the [Medium Term Financial Plan](#), which is subject to detailed and frequent monitoring undertaken by Corporate Management Team and Cabinet.
 - Publishing externally audited Annual Statements of Account.
 - Closely monitoring, through CMT and Cabinet, the delivery of the [MTFP](#) and the associated efficiency programme.
 - Monitoring the condition, suitability, sufficiency and accessibility of property through the Corporate Property Strategy and the Corporate Asset Management Plan.

Principle 2: Members and Officers working together to achieve a common purpose with clearly defined functions and roles

- 2.5. The key governance documents supporting this principle are contained in the [Constitution](#). These arrangements are further strengthened by a number of formal member and officer working groups.
- 2.6. The Council ensures effective leadership throughout the authority and is clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function. This is achieved by setting out, in the [Constitution](#):
- Clear statements of the respective roles and responsibilities of the executive and of the executive's members individually and the authority's approach towards putting this into practice.
 - Clear statements of the respective roles and responsibilities of other authority members, members generally and senior officers. These statements are promptly updated following organisational restructures and the creation of major posts.
 - The arrangements and rules of procedure for the Overview and Scrutiny function.
 - Who is responsible for the various functions of the Council.
- 2.7. The Council ensures that a constructive working relationship exists between authority members and officers and that the responsibilities of members and officers are carried out to a high standard. This is achieved by:
- Reviewing the [Constitution](#) through the Constitution Working Group, which consists of the lead Members from each political party, chaired by the Leader of the Council.

- Electing a Leader of the Council, nominating a Cabinet made up of members with defined executive responsibilities, and annually appointing Committees to discharge the Council's Regulatory and Scrutiny responsibilities.
- A scheme of delegation and reserve powers within the [Constitution](#), including a formal schedule of those matters specifically reserved for collective decision of the authority taking account of relevant legislation and ensuring that it is monitored and updated when required.
- Setting out in the [Constitution](#) clear guidance to members and employees of the Council on their relations with one another.
- Making the Chief Executive, as Head of Paid Service, responsible and accountable to the authority for all aspects of operational management.
- Making the Corporate Director, Resources (the section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- Making the Head of Legal and Democratic Services (the monitoring officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- Recognising in the [Constitution](#) the statutory roles of the Corporate Director, Children and Adults Services, and the Director of Public Health.
- Performing a local test of assurance annually to confirm that the merged roles of the Director of Children's Services and the Director of Adult Social Services have not weakened the focus on outcomes for children and young people.
- Holding regular meetings between senior members and officers.

2.8. The Council ensures relationships between the authority, its partners and the public are clear so that each knows what to expect of the other by:

- Ensuring effective communication between members and officers in their respective roles through the Protocol on Member/Officer Relations.
- Setting out in the [Constitution](#) the terms and conditions for remuneration of members and officers, overseen by the remuneration panel.
- A Health and Wellbeing Board overseeing the public health responsibilities transferred to the Council in April 2013.
- Ensuring, through regular reporting internally and to the County Durham Partnership, that effective mechanisms exist to monitor service delivery.
- Consulting with partners when developing the council's own three year [MTFP](#), working with key agencies to develop complementary proposals and consulting on a joint basis with the Police and NHS County Durham and Darlington.
- Consulting Area Action Partnerships, the public and other stakeholders on the development and implementation of our [MTFP](#) to identify local priorities for action, test strategic priorities at a local level and seek innovative ideas from local people on how to realise efficiencies by working more closely with our partners.
- When working in partnership ensuring, through the partnership governance framework, that:
 - members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the authority;
 - there is clarity about the legal status of the partnership;

- representatives or organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.

Principle 3: Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

2.9. The key governance documents supporting this principle are the [Constitution](#), the [Council Plan](#) and the Register of Gifts and Hospitality.

2.10. The Council ensures that authority members and officers exercise leadership, and behave in ways that exemplify high standards of conduct and effective governance, by:

- Establishing and keeping under review the Council's own values on leadership as ~~enshrined in the Council Plan and~~ evidenced in Codes of Conduct that sets a standard for behaviour.
- Ensuring that the authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect.
- Having systems in place for reporting and dealing with incidences of fraud and corruption.
- Setting, out in the [Constitution](#), a protocol for the Chairman and Vice-Chairman of the Council that includes an expectation of political neutrality and acting as the conscience of the Council.
- Putting in place arrangements to ensure that members and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders. These arrangements include a Register of Interests, Declarations of Gifts and Hospitality, and the Statutory Declaration of Acceptance of Office, which all Members are required to sign.

2.11. The Council fosters a culture of behaviour based on shared values, high ethical principles and good conduct by:

- Maintaining a Standards Committee responsible for promoting and maintaining high standards of conduct by councillors, independent members and co-opted members.
- Investigating any suspected breaches of the Council's codes of conduct.
- ~~A Single Equality Scheme which includes 'protected characteristics' covered by the Equality Act.~~
- Promoting its Counter Fraud and Corruption Strategy externally, as well as internally, with any party who may have any dealings with the Council.

Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

2.12. The key governance documents supporting this principle are the [Constitution](#); the Corporate Complaints Policy and Procedure; the Risk Management Strategy and Policy; the Counter Fraud and Corruption Strategy; and the Confidential Reporting Code.

2.13. The Council is rigorous and transparent about how decisions are taken and listens and acts on the outcome of constructive scrutiny. This is achieved by:

- Ensuring that all decisions are made in public, recording those decisions and relevant information, and making them available publicly (except where

that information is exempt under the provisions of the Freedom of Information Act or determined as being confidential by Government or otherwise exempt by the Council).

- Publishing an [Executive Forward Plan](#) of decisions for next four months;
- Effective scrutiny functions that encourage constructive challenge and enhance performance through the Overview and Scrutiny Committee, and the Police and Crime Panel.
- Putting in place arrangements to safeguard members and employees against conflicts of interest, and appropriate processes to ensure that they continue to operate in practice.
- An effective Audit Committee that is independent of the executive and scrutiny functions, with responsibility for monitoring and reviewing the risk control and governance processes; and associated assurance processes.
- Ensuring through the Council's Complaints Procedure that effective, transparent and accessible arrangements are in place for dealing with complaints.
- A Freedom of Information publication scheme.

2.14. The Council maintains good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants or needs. This is achieved by:

- Implementing a Data Quality Policy, corporate data protection training and signing up to the Information Commissioner's Office's information promise.
- Applying the principles of decision making, as set out in the [Constitution](#), so that those making decisions, whether for the authority or the partnership, are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical and financial issues and their implications.
- Ensuring that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.

2.15. The Council maintains an effective risk management system by:

- Ensuring, through the Risk Management Strategy and Policy, that risk management is embedded into the culture of the authority, and that members and managers at all levels recognise that risk management is part of their jobs.
- Ensuring, through the Confidential Reporting Code and the School Financial Value Standard, that effective arrangements for whistleblowing are in place to which officers, staff and all those appointed by the authority have access.

2.16. The Council ensures that its legal powers are used to the full benefit of the citizens and communities in County Durham by:

- Utilising its' powers to the full benefit of communities but within the limits of lawful activity, for example, the 'ultra vires' doctrine.
- Recognising the limits of lawful action and observing both the specific requirements of legislation and the general responsibilities placed on local authorities by public law.
- Observing legislative requirements placed upon the Council, as well as the requirements of general law, and integrating the key principles of good

administrative law – rationality, legality and natural justice – into its' procedures and decision-making processes.

Principle 5: Developing the capacity and capability of Members and Officers to be effective

2.17. The key governance documents supporting this principle are the [Constitution](#); the Member Learning and Development Strategy; People and Organisational Development Strategy; and the Recruitment and Selection Policy.

2.18. The Council ensures that members and officers have the skills, knowledge, experience and resources they need to perform well in their roles by:

- Ensuring, through Personal Development Plans, that the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority.
- ~~Maintaining the Investor in People Standard.~~
- Evaluating the effectiveness of Member development planning and evaluation via the Member Development Group which is chaired by a Member.
- Managing the performance and development of employees through an annual appraisal process.

2.19. The Council develops the capability of people with governance responsibilities and evaluates their performance, as individuals and as a group, by:

- Assessing the skills required by members and officers through personal development plans, and making a commitment to develop those skills to enable roles to be carried out effectively.
- Developing skills on a continuing basis, through implementation of the Member Development Strategy, to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.

2.20. The Council encourages new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal. This is achieved by:

- Ensuring, through the Recruitment and Selection Policy that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority.
- Taking a strategic approach to workforce planning.

Principle 6: Engaging with local people and other stakeholders to ensure robust public accountability

2.21. The key governance documents supporting this principle are the [Constitution](#) (Parts 2 and 4); and the Consultation and Engagement Strategy; and the ~~County Durham Partnership Community Engagement and Empowerment Framework.~~

2.22. The Council exercises leadership through a robust scrutiny function, which effectively engages local people and all local institutional stakeholders,

including partnerships, and develops constructive accountability relationships. This is achieved by:

- Making clear to members, officers, staff and the community, to whom we are accountable and for what.
- Considering those institutional stakeholders to whom the authority is accountable and assessing the effectiveness of the relationships and any changes required.
- Producing an annual report on the activity of the scrutiny function.
- ~~The County Durham Partnership Community Engagement and Empowerment framework, developed by the CDP, to shape and support a common vision and approach for community engagement by partners in County Durham, so that people feel able to influence decision making.~~
- Encouraging and supporting the public in submitting requests for aspects of the Council's Service to be scrutinised.
- Providing an appeals mechanism to ensure that the Council has a robust procedure in place for Petitions, and that petitioners have an opportunity to challenge Council inaction regarding a particular petition issue.

2.23. The Council takes an active and planned approach to dialogue with, and accountability to, the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning. This is achieved by:

- Ensuring that clear channels of communication are in place with all sections of the community and other stakeholders, and ensuring that they operate effectively.
- Ensuring, through multi-agency Area Action Partnerships, that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements recognise that different sections of the community have different priorities and establish processes for dealing with these competing demands.
- Establishing a clear policy on the types of issue on which the authority will meaningfully consult on or engage with the public and service users. This includes a feedback mechanism for those consultees to demonstrate what has changed as a result.
- ~~Publishing an annual performance plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period.~~
- Issuing Durham County News to every household in the County.
- Ensuring that the Council is open and accessible to the community, service users and staff, and ensuring that it has made a commitment to openness and transparency in all its dealings, including partnerships. This includes holding regular Cabinet meetings and staff briefings at various locations throughout the County, and is subject only to the need for confidentiality in those circumstances where it is proper and appropriate to do so.
- Drawing upon the locality arrangements of other public service providers such as the Police, the County Durham and Darlington NHS Foundation Trust and the Tees, Esk and Wear Valley NHS Foundation Trust through its partnership arrangements.
- Maintaining the Voluntary and Community Sector Working Group to support front line Third Sector organisations in County Durham.

- Maintaining a Local Councils Working Group to build closer working relationships around new and developing areas of work.

2.24. The Council makes best use of human resources by taking an active and planned approach to meet responsibilities to staff. This is achieved by having a clear policy on how staff and their representatives are consulted and involved in decision making.

3. Monitoring and Review

3.1. The Council has two Committees that are responsible for monitoring and reviewing the various aspects of the Council's Corporate Governance arrangements.

3.2. The Audit Committee is responsible for the Council's arrangements relating to:

- Monitoring and reviewing the risk, control and governance processes, and associated assurance processes to ensure internal control systems are effective and that policies and practices are in compliance with statutory and other regulations and guidance;
- Approving the Council's Accounts prior to approval by the County Council;
- Reviewing a draft of this Code of Corporate Governance and recommending any amendments required before it is considered for approval by the Constitution Working Group and Full Council;
- External audit and internal audit;
- Risk Management;
- Making recommendations concerning relevant governance aspects of the Constitution;
- Reviewing the effectiveness of Internal Audit.

3.3. Each year the Council is required to publish a Governance Statement. This process is managed by the Resources Management Team and overseen by the Audit Committee who is responsible for approving it. The Annual Governance Statement provides an overall assessment of the Council's corporate governance arrangements and an appraisal of the key controls in place to manage the Council's principal governance risks, together with proposed improvements that will be made. This governance review process helps inform any amendments required to this Code of Corporate Governance.

3.4. The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be reviewed by our External Auditors as part of their annual audit process.

3.5. The Standards Committee is responsible for promoting high ethical standards across the Council, overview of the Member and Officer codes and other relevant protocols.

3.6. These two Committees will ensure that the Council's governance arrangements are kept under continual review through;

- Reports prepared by officers with responsibility for aspects of this Code;
- The work of Internal Audit;
- External Audit opinion;
- Other review agencies and Inspectorates;
- Opinion from the Council's Statutory Officers.

3.7. The Council also has an Overview and Scrutiny Management Board and six Overview and Scrutiny Committees who support the work of the Executive and the Council as a whole. They allow a greater involvement in Council business by involving non-councillors from the wider public sector, and voluntary and community groups to help them in their work, and also work with Partners, including the County Durham Partnership. They may also be consulted by the Executive or the Council on forthcoming decisions or the development of policy. The terms of reference of the Overview and Scrutiny Management Board and its Committees are described in the [Constitution](#).

3.8. In general, they will:

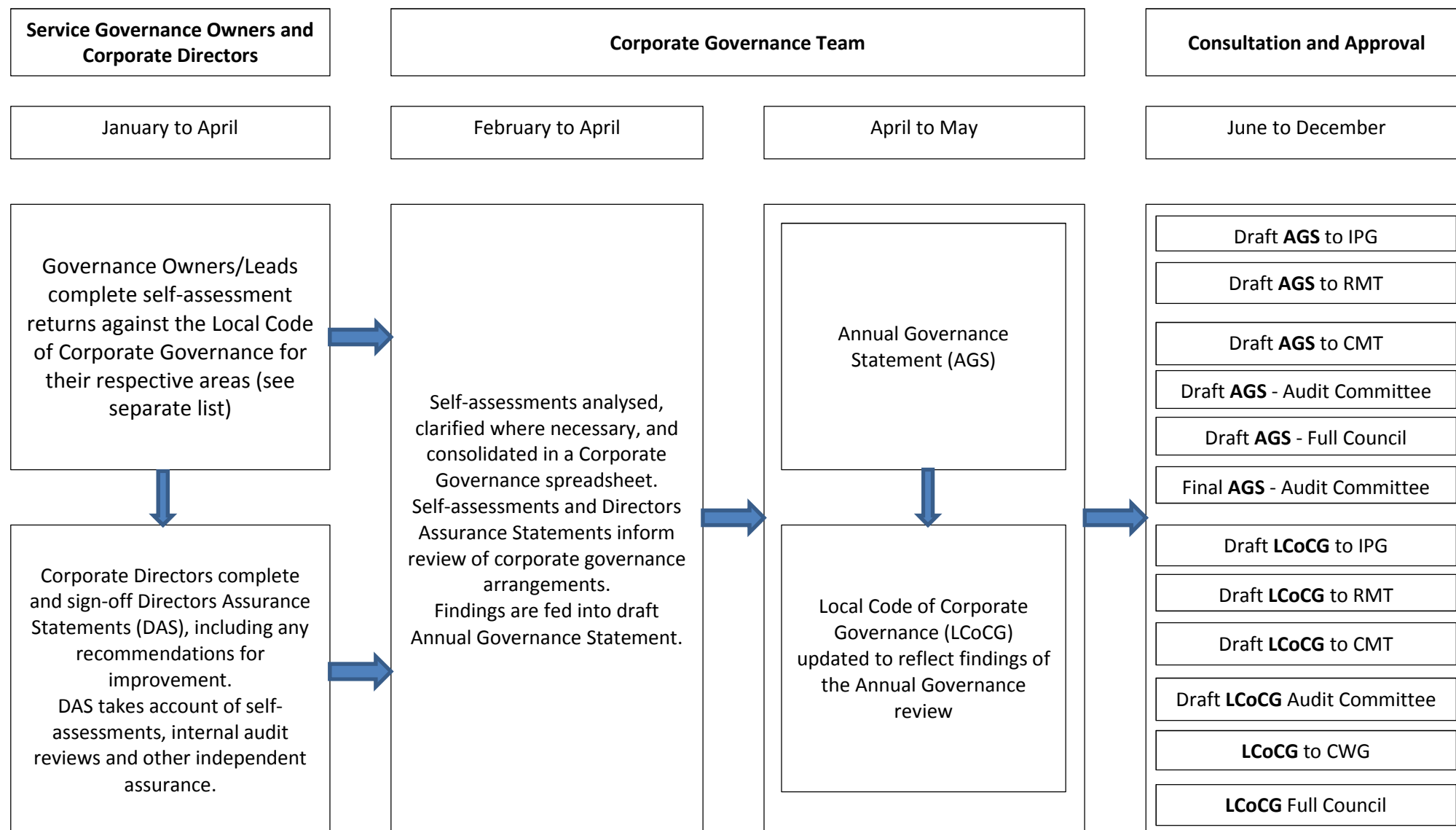
- Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- Make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- Consider any matter affecting the area or its inhabitants;
- Exercise the right to ask the Cabinet to reconsider any decisions they have made (call-in).

CORPORATE GOVERNANCE FRAMEWORK Corporate Governance comprises the systems and processes, cultures and values, by which the Council is directed and controlled and through which we account to, engage with and where appropriate, lead the community		
1. Focus on purpose of the authority, vision for local area and outcomes for the community	2. Members and officers working together to achieve a common purpose	3. Promoting values and upholding high standards of conduct and behaviour
4. Taking informed and transparent decisions, scrutinised and risk managed	5. Developing capacity of Members and Officers to be effective	6. Engaging with local people to ensure public accountability



Key Documents which support the achievement of the core principles		Contributory Processes/Regulatory Monitoring
<ul style="list-style-type: none"> • Access to Information Procedure Rules • Acquisition and Disposal Strategy • Annual Governance Statement • Annual Statement of Accounts • Area Action Partnership Profiles • Asset Management Plans • Asset Register • Benefits Fraud Sanctions Policy • Business Continuity Plans • Buzz Magazine (employee) • Cabinet and Committee Reports • Capital Strategy for Assets • Children, Young People and Families Plan • Codes of Conduct • Complaints Policy and Procedures • Confidential Reporting Code • Constitution • Consultation and Engagement Strategy • Contract Procedure Rules • Contracts Register • Corporate Management Framework • Corporate Property Strategy • Council Plan • Councillor Compact • Counter Fraud and Corruption Strategy • County Durham Compact • County Durham Plan • County Durham Trade Union Partnership Agreement • Countywide Resident Survey • Data Protection Policy • Data Quality Policy • Durham County News Magazine • Emergency Plan • Equality & Diversity Policy • External Audit Reports • Financial Management Standards • Financial Procedure Rules • Forward Plan of Decisions • Freedom of Information Policy • Health and Safety Policy, Procedures and Handbook • Human Resources Policies/Procedures 		<ul style="list-style-type: none"> • Information & Communications Technology Strategy • Information Security Policy and Manual • Inspection Reports • Internal Audit Plan • Internal Audit Reports • Joint Health and Wellbeing Strategy • Key Performance Indicators • Local Code of Corporate Governance • Local Member Consultative charter • Media Relations Strategy/Protocol • Medium Term Financial Plan • Member Handbook • Member Personal Development Plans • Members Allowance Scheme and Procedures • Members Learning and Development Strategy • Minutes of meetings • Office Accommodation Strategy • Officer & Member Declaration of Interest Register and Policies • Officer and Member Gifts & Hospitality Register and Procedures • Overview and Scrutiny Annual Report • Partnership Governance Framework • People and Organisational Development Strategy • Performance Management Reports • Policy Framework Procedure Rules • Procurement Strategy • Records Management Policy • Regeneration Statement • Risk Management Strategy and Policy • Safe Durham Partnership Plan • Scheme of Delegation • Service Plans • Single Equality Scheme • Strategic Risk Registers • Sustainable Community Strategy • Town and Parish Council Charter • Transparency Webpage • Treasury Management Policy and Strategy
<ul style="list-style-type: none"> • Audit Committee • Budget Process Cabinet • Business Continuity Planning • Capital Prioritisation Process • Constitution Working Group • Consultation Framework • Corporate Management Team • Corporate Consultation Group • Corporate Health and Safety Group • Corporate Risk Management Group • Democratic Engagement • Development Improvement Group • Equality and Diversity Steering Group • External Audit • External Inspection and Review Agencies • ICT Prioritisation Process • Improvement and Planning Group • Information Governance Group • Internal Audit • Member Briefings • Member Development Group • Member Officer Working Group for capital • Monitoring Officer • Overview and Scrutiny Committee • Partnerships • Planning and Performance Group • Police and Crime Panel • Project Management Methodology • Remuneration Panel • Service Management Teams • Standards Committee • Strategic Procurement Network 		

Appendix 3: Corporate Governance Review Process



Abbreviations: AGS – Annual Governance Statement; CMT – Corporate Management Team; CWG – Constitution Working Group; IPG – Improvement and Planning Group; LCoCG – Local Code of Corporate Governance; RMT – Resources Management Team.

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