

## **DURHAM COUNTY COUNCIL**

At an **Ordinary Meeting** of the County Council held in the **Council Chamber, County Hall, Durham** on **Wednesday 27 March 2024** at **10.00 am**

**Present:**

### **Councillor J Nicholson in the Chair**

Councillors M Abley, E Adam, R Adcock-Forster, V Andrews, P Atkinson, A Batey, K Batey, A Bell, C Bell, R Bell, C Bihari, G Binney, J Blakey, D Boyes, D Brown, L Brown, J Cairns, J Chaplow, J Charlton, I Cochrane, J Cosslett, B Coult, R Crute, M Currah, S Deinali, T Duffy, K Earley, J Elmer, L Fenwick, C Fletcher, D Freeman, J Griffiths, O Gunn, D Hall, C Hampson, D Haney, A Hanson, K Hawley, P Heaviside, T Henderson, S Henig, J Higgins, L A Holmes, C Hood, A Hopgood, L Hovvels, D Howarth, J Howey, G Hutchinson, A Jackson, M Johnson, N Jones, P Jopling, C Kay, B Kellett, C Lines, R Manchester, C Marshall, C Martin, E Mavin, L Mavin, S McDonnell, M McGaun (Vice-Chair), D McKenna, M McKeon, I McLean, S McMahan, J Miller, P Molloy, D Mulholland, D Oliver, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, S Quinn, A Reed, G Richardson, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, J Scurfield, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, G Smith, T Smith, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, P Taylor, F Tinsley, S Townsend, C Varty, E Waldock, M Walton, A Watson, J Watson, M Wilkes, M Wilson, S Wilson, D Wood and R Yorke

Apologies for absence were received from Councillors L Maddison, B McAloon, D Nicholls and S Zair

### **1 Minutes**

The minutes of the meeting held on 28 February 2024 were confirmed by the Council as a correct record and signed by the Chair.

### **2 Declarations of interest**

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

### **3 Chair's Announcements**

The Chair informed Council that since the last meeting she had attended a number of events on behalf of the County Council, including attendance at a talk by the Mayor of Masafer Yatta, West Bank on 1 March, the North of England Brass Band Competition Gala on 17 March and 'Welcome to Japan Day' on 25 March at the Oriental Museum and Teikyo University.

There had also been a number of successful announcements since the last meeting.

Over £6 million would be committed to tackle homelessness in County Durham following a successful funding bid.

The Council had been awarded funding from the government's Single Homeless Accommodation Programme (SHAP) to create new accommodation and increase support for those who are homeless or at risk of homelessness.

The objective of SHAP was to increase the supply of high-quality accommodation and support for adults, and younger people aged 18 to 25 years, who were either rough sleeping or at risk of rough sleeping.

The Chair was delighted to announce that the Council had been re-awarded the Ministry of Defence's Gold Award as part of its Employer Recognition Scheme.

The award recognised employers which demonstrated positive attitudes and policies towards serving and ex-members of the Armed Forces.

### **4 Leader's Report**

The Leader of the Council informed Council that last week she was proud to sign another landmark devolution deal alongside the leaders of the six other North East councils.

The trailblazer deal would give the region more control over transport, housing and skills, and would provide more than £100 million of additional funding. The funding together with the investment from the original deal, could be invested in priorities identified in the North East.

The Leader was especially proud that this historic document was signed in County Durham, at St Chad's College in Durham University and remarked that she could not think of a more fitting setting for such an occasion than in

the grounds of an institution that had broadened the minds of so many young people.

The historic transfer of power and money from Westminster to the North East would bring immediate benefits to the region but ultimately it would help to build a better future for our children, grandchildren and their children's children.

Securing this deeper devolution deal would empower the Council to go even further to deliver on its ambitions and to work with communities on the things that mattered most to them.

It was also fitting that the trailblazer deal was signed at the beginning of spring which was the season of renewal.

Spring also marked the start of the Council's festival and events programme which was a key part of the Council's efforts to revitalise communities and boost the local economy.

The Leader hoped that Members would join her at Bishop Auckland Food Festival on the 20 and 21 of April in what looked once again to be a great event.

## **5 Questions from the Public**

The Chair informed Council that four public questions had been received for the meeting, from Graham Thomas, Diane Inglis, Stephen Ashfield and Matthew Tough. Diane Inglis on behalf of The Faithful Durhams, Stephen Ashfield and Matthew Tough were in attendance to put their questions. Graham Thomas was unable to attend the meeting but had requested the Chair put his question.

The Chair informed Council that the Constitution allowed for ten minutes for Public Questions. The Chair **Moved** that this time be extended if necessary to allow for all of the questions submitted to be dealt with. **Seconded** by Councillor McGaun and **Agreed**.

The Chair then put Graham Thomas's question which was as follows:

HS2 Devolved £73m

I would like to ask if NW County Durham, Consett and Stanley in particular, will benefit from this money. We miss out quite significantly - the majority of monies goes to go to Durham City and South of the county, it appears.

The roads around here are potholed and poor, and the bus services to and from Durham and Newcastle end way too early.

We need more EV chargers too.

The Chair informed Council that Mr Thomas would receive a written response to his question.

Diane Inglis, The Faithful Durhams then put the following question:

Our question today is brought about because we were promised something different to what is actually happening at the Museum site. It was going to be about the DLI and not Art Galleries and the desecration of ashes. We were promised on separate occasions by the Joint Administration during site visits that topsoil would be lifted prior to work beginning. Our recent reply from the Chief Executive of Council states that "no ashes were in the area currently worked on" – we dispute this and have submitted an FOI request asking the Council to provide a copy of the report for the evidence of this. Whilst we await this response can we formally request that work stops on the grounds immediately until a respectful solution can be found for the mess that has been created?

Councillor E Scott, Cabinet Portfolio Holder for Economy and Partnerships thanked Diane Inglis for her question and provided the following response:

Before I respond to your question, I must make a clarification as you misquote the letter to you from the Chief Executive. What it said was:

*Before the tree removal works began, our contractors were made aware that ashes may have been scattered across the grassed area in front of the pond and the sloped area leading down to it. The tree felling area has been taped off and any trees felled are done so away from where ashes may have been scattered.*

In 2022, the Cabinet of Durham County Council agreed to bring the DLI Museum and Art Gallery back into use as a vibrant community asset and world class visitor attraction refurbished and expanded to include dedicated space for the display of key objects from the DLI Collection, as well as spaces to house world class temporary exhibitions to attract residents and visitors. These plans have not changed.

We have carried out essential works to remove some existing trees and shrubs in order to prepare the site ahead of construction commencing. Where possible and suitable we have retained the felled trees and chippings on site to reuse within the grounds as potential natural footways and external furniture.

The removal of the trees was included in the relevant planning application approved on 16th February 2023 and which was subject to public consultation.

We know the grounds have a strong historical and personal significance to many people. The council has no record of any permissions granted for the scattering of ashes on the site. However, throughout the project we have worked closely with key stakeholders, including the official DLI veteran association and affiliates, to understand the wishes of the veteran community. We are aware that ashes may have been scattered across the grassed area in front of the pond and the sloped area leading down to it. As a result, we have taken significant steps to treat these areas with sensitivity and respect. We have been clear throughout that our intention is to carefully remove the topsoil from these areas before construction works commence, and to preserve and carefully re-lay the soil in a new reflective garden area.

Stephen Ashfield put the following question:

As Chair of Shincliffe Parish Council and a concerned resident, I seek clarity on a critical issue affecting our community's safety, specifically regarding the Council's implementation of the Department for Transport's Circular 01/2006 guidelines for setting local speed limits.

Can the council provide an update on whether the assessment for village status under the Department for Transport's Circular 01/2006 has been carried out for areas like Shincliffe, and if so, what measures are being taken to ensure the implementation of the recommended 30mph speed limits in accordance with this directive?

Thank you for addressing this matter of public safety and community.

Councillor E Scott, Cabinet Portfolio Holder for Economy and Partnerships thanked Stephen Ashfield for his question and provided the following response:

The assessment for village status, under the Department for Transport's Circular 01/2013, has been carried out and reviewed, on a number of occasions, most recently 2019, for the area of Shincliffe adjacent to A177. On each occasion the reasonable minimum criteria for the definition of what constitutes a village, for the purpose of applying a village speed limit of 30 mph, has not been met and since 2019, there has been no fundamental development within the vicinity that would warrant a status change. Therefore, in accordance with the directive, no measures are currently being taken to implement a 30mph limit.

Matthew Tough put the following question:

My question relates to HMOs in East Durham. Does the Council consider that they are keeping in line with their duty under the Crime and Disorder Act 1998 by allowing HMOs when they are aware that the houses will have visitors who will stay the night as in every other type of accommodation, making them immediately overcrowded and therefore allowing widespread Criminal Offences to occur for every HMO in East Durham given that the Council have no powers to prevent visitors from doing this?

Councillor J Rowlandson, Cabinet Portfolio Holder for Resources, Investment and Assets thanked Mr Tough for his question and provided the following response:

The Council is responsible for the regulation of housing conditions in houses in multiple occupation (HMOs).

In line with relevant housing legislation we have adopted standards for all houses in multiple occupation which stipulate minimum space requirements for rooms which are intended to be used as sleeping accommodation to prevent overcrowding.

The council will take appropriate action in relation to any HMO which fails to meet these minimum standards or comply with occupancy requirements.

Notwithstanding the above, any HMO or private tenant or house owner has a right to have visitors in their home. As such the Council is not at liberty to impose restrictions on visiting guests and it is not reasonable to expect the Council to know where and when visiting guests are staying overnight. The occupancy number of an HMO is based on those who will live in the property and does not include guests of the resident.

The Council has a duty under the Crime and Disorder Act 1998 to consider the impact of all their functions and decisions on crime and disorder in their local area. In this regard, the Council undertakes its statutory duties and uses its available powers to improve housing conditions and prevent crime, disorder and anti-social behaviour.

Should there be any concerns about any individual HMO within County Durham particularly in relation to housing condition, overcrowding or anti social behaviour then these should be reported to the Council so that the matter can be investigated, and appropriate action taken, as necessary.

## **6 Petitions**

There were no petitions for consideration.

## **7 Report from the Cabinet**

The Council noted a report from the Cabinet which provided information on issues considered at its meeting held on 13 March 2024 (for copy see file of Minutes).

## **8 Appointments to the North East Mayoral Combined Authority**

The Council considered a report of the Head of Legal and Democratic Services which sought to make appointments to the North East Mayoral Combined Authority in advance of its first scheduled meeting on 7 May, following the Mayoral Election on 2 May 2024 (for copy see file of Minutes).

**Moved** by Councillor A Shield, **Seconded** by Councillor J Rowlandson and

### **Resolved:**

That:

- (a) The Leader of the Council (Cllr Amanda Hopgood) be appointed as Durham County Council's member of the North East Mayoral Combined Authority; and
- (b) Councillor Richard Bell (the Deputy Leader and Portfolio Holder for Finance) and Councillor Elizabeth Scott (Portfolio Holder for Economy and Partnerships) be appointed as substitute members.

## **9 Independent Remuneration Panel - Appointments to Panel**

The Council considered a report of the Corporate Director of Resources regarding appointments to the Independent Remuneration Panel (for copy see file of Minutes).

**Moved** by Councillor A Hopgood, **Seconded** by Councillor R Crute and

### **Resolved:**

That the recommendations in the report be approved.

## **10 Motions on Notice**

The Chair informed Council that there was one Motion for consideration.

**Moved** by Councillor K Shaw, **Seconded** by Councillor A Batey

This council calls on the Cabinet to consider an immediate halt to all activity on the former DLI Museum site, for the current development proposal to be cancelled and replaced with a memorial garden and a space for reflection and remembrance.

Councillors E Scott, R Bell, K Robson, A Savory, L Brown, P Heaviside, R Potts, P Molloy, J Quinn, D Sutton-Lloyd, M Wilkes, J Elmer, T Stubbs, A Hopgood, M McGaun and J Rowlandson spoke against the Motion.

Councillors J Scurfield, D McKenna, A Surtees, F Tinsley, L Fenwick, B Kellett, M McKeon, C Kay, O Gunn spoke in support of the Motion.

Councillor P Sexton considered that the DLI situation had been poorly communicated and that the issue should not be a party political matter.

The Chair informed Council that there was 15 minutes left for the consideration of Motions and ten Councillors were registered to speak. Councillor A Hopgood **Moved** a Motion without notice that the time for Motions be extended but that the length of the meeting not be extended beyond 2½ hours. **Seconded** by Councillor E Scott and **Agreed** by Council.

A named vote on the Motion was taken.

#### **For the Motion**

Councillors E Adam, R Adcock-Forster, V Andrews, P Atkinson, A Batey, K Batey, C Bihari, G Binney, D Boyes, J Chaplow, I Cochrane, R Crute, S Deinali, K Earley, L Fenwick, C Fletcher, J Griffiths, O Gunn, D Hall, C Hampson, A Hanson, S Henig, J Higgins, L Hovvels, M Johnson, C Kay, B Kellett, R Manchester, C Marshall, D McKenna, M McKeon, I McLean, S McMahan, J Miller, D Mulholland, P Pringle, J Purvis, S Quinn, J Scurfield, K Shaw, G Smith, T Smith, A Surtees, P Taylor, F Tinsley, S Townsend, C Varty, E Waldock, J Watson, M Wilson, S Wilson, D Wood and R Yorke

#### **Against the Motion**

Councillors M Abley, R Bell, C Bell, J Blakey, D Brown, L Brown, J Charlton, J Cosslett, B Coult, M Currah, T Duffy, J Elmer, D Freeman, D Haney, K Hawley, P Heaviside, T Henderson, L Holmes, C Hood, A Hopgood, D Howarth, J Howey, G Hutchinson, A Jackson, N Jones, P Jopling, C Lines, C Martin, E Mavin, L Mavin, S McDonnell, M McGaun, P Molloy, J Nicholson, D Oliver, R Ormerod, E Peeke, R Potts, J Quinn, A Reed, G Richardson, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, A Shield, J Shuttleworth, M Simmons, A Simpson, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, D Sutton-Lloyd, M Walton, A Watson and M Wilkes.

#### **Abstention**

Councillor P Sexton

The Motion was **Lost**.



## **11 Questions from Members**

Councillor P Sexton asked the following question:

At the January 2024 Full Council, a motion to reconsider the withdrawal of Free After 2pm parking, was unanimously passed.

Could the Cabinet and Portfolio Holder, please provide Full Council with an update on any decision?

Councillor E Scott, Cabinet Portfolio Holder for Economy and Partnerships thanked Councillor Sexton for his question and provided the following response:

At Full Council on Wednesday 14 January 2024, Cabinet accepted a motion, which was approved after a vote, to reconsider the decision to end Free Parking After 2pm and that process is currently ongoing and will be reconsidered by Cabinet as previously committed.

Councillor Sexton asked a supplementary question in relation to the timeframe for reconsideration issue.

Councillor Scott commented that the issue had financial implications, therefore it had to go through a process of scrutiny. Unfortunately, on that basis any decision would be a matter of months and not weeks.