

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 5 December 2012 at 10.00 a.m.**

Present:

Councillor L Marshall in the Chair.

Councillors P Charlton (Vice-Chairman), J Alvey, J Armstrong, B Arthur, B Avery, A Bainbridge, B Bainbridge, A Barker, D Barnett, A Bell, E Bell, J Bell, R Bell, J Blakey, D Bowman, D Boyes, P Brookes, D Brown, J Brown, C Carr, J Chaplow, J Cordon, A Cox, R Crooks, M Dixon, N Foster, D Freeman, B Graham, J Gray, N Harrison, S Henig, M Hodgson, G Holland, K Holroyd, A Hopgood, L Hovvells, S Hugill, J Hunter, S Iveson, P Jopling, A Laing, J Lethbridge, C Marshall, D Marshall, N Martin, J Maslin, P May, D Morgan, D Myers, A Napier, A Naylor, M Nicholls, B Ord, R Ord, M Plews, C Potts, G Richardson, J Robinson, S Robinson, C Robson, J Rowlandson, A Savory, A Shield, J Shiell, J Shuttleworth, M Simmons, D J Southwell, B Stephens, D Stoker, P Stradling, P Taylor, O Temple, G Tennant, L Thomson, R Todd, E Tomlinson, J Turnbull, Andy Turner, Allen Turner, C Vasey, M Wilkes, J Wilkinson, A Willis, B Wilson, J Wilson, R Yorke, B Young and R Young

Apologies for absence were received from Councillors B Alderson, J Bailey, G Bleasdale, B Brunskill, D Burn, M Campbell, R Crute, K Davidson, J Docherty, D Farry, P Gittins, D Hancock, B Harrison, E Huntington, G Huntington, O Johnson, J Lee, R Liddle, D Maddison, C Magee, E Mavin, J Moran, E Murphy, B Myers, J Nicholson, L O'Donnell, E Paylor, M Potts, W Stelling, T Taylor, K Thompson, C Walker, M Williams, M Wood, C Woods, A Wright and S Zair

Prior to the formal start of the meeting the Chairman reported the death of former Sedgefield Borough Councillor and Alderman Jimmy Higgin, who had represented the Ferryhill Ward on the former Sedgefield Borough Council. Members stood for a moment's silence as a mark of respect to Alderman Higgin.

The Chairman reported that Councillor Charlie Magee had been admitted to hospital following a recent fall. The Council joined the Chairman in wishing Councillor Magee all the best for a speedy recovery.

1 Minutes

The Minutes of the meeting held on 31 October 2012 were confirmed by the Council as a correct record and signed by the Chairman.

Councillor Shuttleworth requested that the following two issues be formally recorded in the minutes:

- That the appointment of Independent Persons to assist with the Standards process had not been carried out in accordance with a report agreed by Council on 21 March 2012
- That at the meeting of Council held on 31 October 2012 he had seconded Councillor Martin in seeking a discussion of the Newcastle Airport issue, however, no vote was taken.

2 Declarations of interest

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

3 Chairman's Announcements

RNIB EyePod

The Chairman reported that, as part of the transfer of responsibilities for public health funding to local authorities, the Royal National Institute for the Blind were keen to raise councillors awareness of the causes of sight. The EyePod helped decision makers experience a simulation of different eye conditions and was located in the rear courtyard. The Chairman encouraged all Members to visit the EyePod.

Cyber Surgery – Durham's Day of Action

The Chairman reported that Sir John Hall and the Charlie Bear Appeal had joined forces to raise money to buy the regions first Cyberknife which delivered extremely high doses of radiation to malignant or benign tumours that were small and not amenable to treatment by surgery or conventional radiotherapy. The cost of Cyber Surgery was £3.2 million and almost £2.2 million had been raised.

A regional civic campaign had been launched to make up the shortfall so that children and adults in the region could benefit from the state of the art new surgical procedure and get Cyber Surgery up and running as soon as possible in the North East. Friday 7 December 2012 was designated 'Durham Day', which was County Durham's designated fundraising day in a week of regional action. The Council would be participating in a dress down day, cake and coffee sales and had asked the County's schools to take part in a competition to 'Name the Chair Care Bear'. The Chairman asked all Members to consider supporting this cause.

Christmas Fayre/Made in Durham

The Chairman reminded members that a Christmas Fayre and Made in Durham event was being held in the Durham Room which provided an opportunity to purchase locally produced goods. Hosted stalls included aromatherapy products, jams and preserves, handcrafted cards, paintings by local artist, photography, handcrafted jewellery, home accessories, café culture, floral arrangements and much more.

4 Leaders Report

Prior to commencing his report the Leader of the Council placed on record his congratulations to the Right Reverend Justin Welby, Bishop of Durham on his appointment as the Archbishop of Canterbury.

The Leader also placed on record his congratulations to Ron Hogg on his election as Police and Crime Commissioner (PCC) for Durham. The Leader reported that he, the Chief Executive and the Portfolio Holder for Safer and Healthier Communities had met with Mr Hogg and he had been invited to join the County Durham Partnership Board. The PCC was a replacement for Police Authorities and the Leader thanked all former Durham Police Authority Members for their work, adding that the success of the Police Authority had been due to the individuals who had served on it.

The Leader reported that revised proposals for new Parliamentary Constituencies in County Durham had been received and considered at a meeting of the Electoral Review Working Group on 27 November. The majority of the revised proposals were supported by the Group, however there was continued opposition to the proposal to join Blackhall with Hartlepool.

The Leader reported that he had been part of a UK cross-party network of MP's and local government representatives who had met with the Chief Secretary to the Treasury to lobby for a better funding deal from Europe through the creation of Transition Regions. Durham, which would be linked with Tees Valley for the funding, would be one of 11 Transition Regions across the country singled out for special recognition to safeguard their fragile economies and boost job creation.

5 Questions from the Public

There were no questions from the public to receive.

6 Petitions

No petitions had been submitted for debate.

7 Report from the Cabinet

The Council noted a report on issues considered by Cabinet on 24 October and 14 November 2012.

8 Executive Procedure Rules

The Council considered a report of the Head of Legal and Democratic Services which advised of new rules in relation to Executive Decisions introduced by The Local Authorities (Executive Arrangements) (Meetings and Access to Information)

Regulations 2012 and the amendments to the Constitution pursuant to the Regulations.

Resolved:

That the required changes to the Constitution be noted and the Head of Legal and Democratic Services be authorised to amend the Constitution accordingly.

9 Implementation of New Pay and Grading Arrangements for Council Employees

The Council considered a report of the Corporate Director of Resources which provided details of developments in implementing the new pay and grading arrangements for council employees and advised of the future steps required to implement the pay and grading proposals to enable the Council to comply with its obligations under Equality Legislation relating to Terms and Conditions of Employment.

Resolved:

- i) That the Corporate Director of Resources be authorised to hold focussed negotiations with the Unions in an attempt to secure agreement to the new Pay and Grading arrangements by 31 December 2012, with an implementation date of 1 October 2012, to include implementation adjustments which the Corporate Director of Resources, after consultation with the Cabinet Portfolio Holder for Resources, considers to be appropriate
- ii) That, in the event of agreement not being secured, the Corporate Director of Resources report back to Council to advice of the next steps it would need to take to implement the new pay and grading arrangements in 2013.

10 Workplace Pensions Reform - New Legal Duty to Auto-Enrol Employees into Pension Schemes

The Council considered a report of the Corporate Director of Resources which advised of how the Council had a new legal duty under the Pensions Act 2008, in respect of all Council employees aged between 16 and 74 who, depending on their age and earnings, would either have to be automatically enrolled into a pension scheme or made aware that a scheme existed that they could join should they wish to.

The report also sought confirmation that the Council would exercise its option to postpone the date existing employees who had previously opted-out of pension scheme membership and had to be automatically re-enrolled into a pension scheme.

Resolved:

That, in order to avoid inconvenience and disruption to individual employees from doing their jobs, the Council exercise its discretionary powers under the Pensions Act 2008 to apply the 'transitional delay period' and so defer re-enrolling employees

as at 1 January 2013 who had already opted-out of the Local Government Pension Scheme or Teachers Pension Scheme until 1 October 2017.

11 Audit Committee Progress Report for the period April 2012 - October 2012

The Chairman of the Audit Committee, Councillor E Bell informed the Council that the interim report covered the work of the Committee during the period April 2012 to September 2012.

Councillor Bell informed the Council that there were three key areas of the Committee's work in this period that he would particularly draw attention to.

The first area was the 2011/12 Annual Internal Audit Opinion. This was an independent opinion on the adequacy and effectiveness of the Council's entire control framework, including risk management, corporate governance and internal control, informed by the work of Internal Audit during the year. The Opinion was given in the Annual Internal Audit Report from the Head of Internal Audit. To gain assurance that this opinion was reliable the Committee carried out an annual review of the effectiveness of the internal audit service.

The Head of Internal Audit provided a Moderate overall assurance opinion which meant there was a sound system of control in place across the Council, but there were some weak areas and some evidence of non-compliance that were being corrected and improvements put in place with the aim of achieving a higher assurance opinion next year.

The second area was the approval of the Council's 2011/12 Final Accounts. Councillor Bell was very pleased to report that the draft accounts were certified by the Corporate Director of Resources within the statutory requirement of the 30 June and that the Committee approved the final audited accounts within the statutory deadline of the 30 September.

The External Auditor was also able to issue an unqualified opinion on the accounts, the group accounting statements, and the Value for Money Conclusion.

It was also assuring that the External Auditor concluded that "The Council understands the financial challenges and risks it faces and has worked hard to deliver a sustainable medium term financial plan for 2012/13 and beyond"

The third area was the Annual Governance Statement 2011/12. In accordance with the Accounts and Audit Regulations, the Council must publish an Annual Governance Statement that demonstrated to the public how the Council complied with the principles of good governance as set out in its Code of Corporate Governance, which is part of the Council's Constitution.

Councillor Bell was pleased to inform Members that although some areas of improvements were identified none were considered significant enough to include in the Annual Governance Statement.

Going forward for the rest of the year, the Committee would continue to play a key role in its strive for continuous improvement in controls and the management of risks across the Council.

12 Motions on Notice

In accordance with a Notice of Motion, it was Moved by Councillor Armstrong and Seconded by Councillor Todd that:

This council notes with alarm the analysis by Oxford Economics, The Economist and the Institute for Fiscal Studies showing that government cuts to council services are hitting poorer areas in the North far harder than prosperous areas in the South.

We call on the government to adopt a fairer 'one nation' approach in its forthcoming spending review.

Furthermore we call on the government to abandon its plans for regional pay in the public sector which will further damage living standards and the economy in the North East.

The following Amendment was Moved by Councillor Martin, Seconded by Councillor Hopgood:

Delete all after the first paragraph and at the end add the following:

The Council therefore asks the Chief Executive to write to the Secretary of State for Communities and Local Government to invite him and his ministerial team to visit County Durham to discuss these issues with Leading Members and Senior Officers.

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

It was Moved by Councillor J Armstrong, Seconded by Councillor C Carr that the time allowed for the Motion be extended beyond 30 minutes in accordance with Council Procedure Rule 11.6. Upon a vote being taken it was **carried** that a time extension be allowed for the Motion.

At this point a recorded vote was requested in accordance with Council Procedure Rule 16.4. The result of the vote was as follows:

For the Motion

Councillors J Alvey, J Armstrong, B Arthur, A Bainbridge, B Bainbridge, A Barker, E Bell, R Bell, J Bell, D Bowman, D Boyes, P Brookes, D Brown, C Carr, J Chaplow, P Charlton, J Cordon, A Cox, M Dixon, N Foster, B Graham, J Gray, S Henig, M Hodgson, L Hovvels S Hugill, J Hunter, S Iveson, A Laing, J Lethbridge, C Marshall, D Marshall, L Marshall, P May, D Morgan, D Myers, A Napier, A Naylor, M Nicholls, M Plews, C Potts, G Richardson, J Robinson, C Robson, J Rowlandson, A Savory, J Shiell, D Southwell, B Stephens, P Stradling, P Taylor, R Todd, E Tomlinson, J Turnbull, Allen Turner, Andy Turner, B Young, C Vasey, M Wilkes, J Wilson, R Yorke and R Young.

Against the Motion

None

Abstentions

Councillors D Freeman, A Hopgood, G Holland, N Martin, R Ord, J Shuttleworth, M Simmons, D Stoker, O Temple, L Thomson, and J Wilkinson.

The Motion was **carried**.

In accordance with a Notice of Motion, it was Moved by Councillor Dixon and Seconded by Councillor Brookes that:

Although this Council continues to be faced with unprecedented cuts in government funding, in order to help alleviate poverty which is becoming increasingly prevalent in low earning households in the county as well as unemployed households, this Council resolves to set up a working group to explore the affordability of introducing a living wage of £7.45 an hour for the lowest earning employees in Durham County Council.

The following Amendment was Moved by Councillor R Bell, Seconded by Councillor Shuttleworth:

Insert before “working group” the words “all party”.

Add the following to the end of the Motion:

This working group is also to recommend savings to balance the increase in the wage bill consequent upon implementing any ‘living wage’, by producing a plan for reducing Senior Management pay (Chief Executive, Corporate Directors and Heads of Service) and middle management pay.

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

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

In accordance with a Notice of Motion, it was Moved by Councillor Todd and Seconded by Councillor Armstrong that:

That Durham County Council expresses concern at disarray and considerable anxiety caused by the Secretary of State’s decision to refer the Safe and Sustainable review of Children’s Heart Surgery to the NHS Independent Reconfiguration Panel.

We call on Mr. Hunt to recognise that:

- The Safe and Sustainable Review was a thorough process, entirely driven by the needs to secure the best of clinical outcomes*
- Commissioners made their decisions based on evidence and have shared every possible configuration with the public. The review involved an assessment of all 11 children’s heart surgery units in England and attracted*

the largest public response to an NHS consultation ever seen at around 75,000 comments.

- His lack of clarity in why the commissioners' decision should be reviewed may result in further expense for the tax payers as various parties look at judicial review options.*
- His announcement will cause concern to thousands of campaigners and hard working NHS staff across England and Wales who had started to move on and look forward under the new proposals.*

Council therefore resolves to write to the Secretary of State for Health:

- Reiterating Durham County Council's support for the conclusions of the Safe and Sustainable Review and the recommendations of the Joint Committee of Primary Care Trusts*
- Highlighting upset and confusion now felt by campaigners and NHS staff on all sides of the debate*
- Asking for specific reasons for referral to the Independent Reconfiguration Panel over and above those clinical issues discussed and debated in full since 2009.*

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

13 Questions from Members

In accordance with the Council Procedure Rules, the following questions were asked:

Councillor M Wilkes

The position of Chair of Durham County Council receives a Special Responsibility Allowance of £6650.

However, Councillors may not be aware that the position of Chair also receives an additional Chairman's Allowance of £8580 specifically described as a Chairman's Clothing allowance. Over the two years of being Vice Chair and then Chair, this equates to a £12860 clothing allowance.

Can the Portfolio Holder for Finance please confirm when these payments were introduced, and further confirm if he knew about these payments?

Councillor A Napier, Cabinet Portfolio Holder for Resources thanked Councillor Wilkes for his question and informed the Council that he was aware of the payments explained that the Chairman received a special responsibility allowance of six thousand, six hundred and fifty pounds together with an additional eight thousand, five hundred and eighty pounds a year to cover all expenses associated with being the Chairman – not solely a clothing allowance.

The allowance had been in place for nearly thirty years and was introduced back in 1984.

As the name suggests, special responsibility allowances are paid to Members who have special responsibilities when compared to other Members.

For example, the Chairman is exercising her special responsibility at the meeting today as Chairman of this meeting.

As we all know, the Chairman of the Council also has very important civic responsibilities as the first citizen of the County therefore, in representing the County is bound to incur significant expenses while carrying out these duties.

As Members would be aware, the Chairman represents the Council at many charitable and other events and makes donations to worthy causes at many of these types of events.

You would find that the Chairmen of most local authorities receive expenses of this nature. It should also be remembered that when the Unitary Authority was created in 2009, the workload of the Chairman increased very significantly to what the role entailed before.

During the period May 2011 to May 2012 the Chairman attended 394 events. From May 2012 to date the present Chairman has attended 443, with a further 5 months remaining in her term of office. Compare this with May 2008 to April 2009 when the Chairman attended 151 events.

There had been some fantastic achievements that previous Chairmen of the Council have done during their year of civic office:-

One Chairman raised over one hundred thousand pounds for charities including:-

- Over sixty five thousand pounds for the 'Legs for Lyndon' appeal which enabled a young man to walk for the first time.
- Nearly twenty four thousand pounds for the Chyrelle Addams breast cancer appeal and over two thousand pounds for the floods in Cumbria.

Another Chairman, as well as supporting local charities, raised ten thousand pounds for the Japanese Disaster Fund.

Councillor Wilkes thanked Councillor Napier for his response but expressed concern that the allowance was not published and had not been agreed by the County Council.

Councillor Napier commented that expenses for the Chairman and Vice-Chairman of the Council were paid under sections 3 and 5 of the Local Government Act of 1972 and are outside the Local Authorities (Members' Allowances) Regulations of 1991 and 2003 which requires the publication of the scheme of allowances.

The Council did publish all costs associated with the scheme of allowances every year but up till now not the expenses of the Chairman and Vice Chairman.

However, in the interests of openness and transparency I am going to ask the Corporate Director of Resources to consider publishing these figures as well for 2012/13.

Councillor O Temple

Other than announcing on the county website that the week from 17th - 25th November was the European Week for Waste Reduction, what actions did Durham County Council take in connection with the week?

Councillor B Young, Cabinet Portfolio Holder for Strategic Environment informed the Council that the European Waste Reduction Week Campaign was a one off event lasting only a week. The Council supported the campaign, produced publicity materials and also included a display within County Hall and a press release. However, perhaps more importantly and more relevant to County Durham, were the waste reduction and education activities that the Council does all year round, and the results that they are producing. These include activities in our communities, and in the week in question the Council had roadshow displays in Bowburn and Horden. Staff were engaging with residents on the street in hot-spot areas to support recycling and reduce contamination in the new blue recycling bins. Work was also done in schools with over 500 children attending waste awareness sessions in the last 3 months.

The Council also had success with the North East Recycling Reward Scheme, which has now been extended until May 2013. This came on top of existing activity to promote home composting, furniture re-use and battery recycling among others. The result is that the Council can rightly claim to have had a very successful waste reduction year.

The Council had successfully introduced AWC throughout the county resulting in an increase in the recycling rate on the kerbside by 34%. Efficiencies had also been made through the introduction of a four day working week. The overall amount of waste sent to landfill has reduced by 16%. These actions along with further savings made following the recent procurement of the residual waste contract would save the Council approximately £3m each year.

The Council's recycling rate was currently around 46%, one of the best in the country and it could be said that the authority is 'ahead of the game' compared with other council's, even nationally as the Council hadn't had to finance major infrastructure projects to deal with waste and it had efficient and effective services.

These achievements came at a time when the government are asking the Council to return to weekly refuse collections which would cost more than £1m each year and reduce the amount we recycle, which would also add to the cost to the council.

A £4.6m bid to government to allow us to pilot food waste recycling in the county has not been successful; however, the Council had yet to be informed of the reason why.