

DURHAM COUNTY COUNCIL

At an **Ordinary Meeting** of the **County Council** held at the County Hall, Durham on **Wednesday 6 August 2008** at **10.00 a.m.**

Present

Councillor O'Donnell in the Chair

Councillors Alderson, Armstrong, Arthur, Avery, A Bainbridge, Barnett, A Bell, Blakey, Bleasdale, Bowman, Boyes, Brookes, D Brown, J Brown, Burn, Burnip, Campbell, Carr, Chaplow, Charlton, Cordon, Crooks, Crute, Davidson, Dixon, Docherty, Farry, Fergus, Foster, Graham, Gray, Hancock, B Harrison, N Harrison, Henig, Hodgson, Holland, Hopgood, Hovvels, Hugill, E Huntington, Iveson, Johnson, Jopling, Laing, Maddison, Magee, C Marshall, D Marshall, L Marshall, Martin, Maslin, Mavin, Moran, B Myers, D Myers, Napier, Naylor, Nicholls, Nicholson, B Ord, R Ord, Paylor, Plews, C Potts, M Potts, Richardson, Robson, Rodgers, Savory, Shield, Shiell, Shuttleworth, Simmons, Sloan, Southwell, Stelling, Stephens, Stoker, Stradling, P Taylor, T Taylor, Temple, Tennant, Thompson, Thomson, Todd, Allen Turner, Andy Turner, Vasey, Walker, Wilkes, Wilkinson, Willis, B Wilson, J Wilson, Wood, Woods, Wright, Yorke, B Young, R Young and Zair.

Apologies for absence were received from Councillors Bailey, B Bainbridge, E Bell, R Bell, Brunskill, Cox, Freeman, Gittins, Hunter, G Huntington, Lee, Murphy, Tomlinson and Williams.

A1 Declarations of interest

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

A2 Chairman's Announcements

Building Schools for the Future (BSF) Presentation

The Chairman reminded Members that David Theobald, BSF Project Director would be providing an update on the BSF programme immediately following the meeting.

A3 Order of Business

Moved by Councillor Henig, **Seconded** by Councillor Robson and

Resolved

That Item 6 on the agenda (Questions from Members) be dealt with after Item 4.

A4. Questions from the Public

Thirteen questions had been received from six members of the public, briefly summarised as follows:-

- Assurances that the new Unitary Authority would not levy a fee for road closures for parades and services on Remembrance Sunday;
- Support for children with Special Educational Needs;
- Assurances that the proposed savings for the new Unitary Authority were realistic;
- Problems being encountered on footpaths and bridleways in Murton;
- The choice of name for the new Unitary Authority and any associated costs;
- The proposed Durham Northern Relief Road;
- Car use in Durham City Centre;
- The effect of oil prices on projections of traffic levels;
- Statistical information relating to the results of traffic consultations.

For the questioners in attendance, responses were provided to each question by the relevant Cabinet Member. (NB detailed written responses were subsequently provided to every questioner and published on the Council's Website).

On behalf of the Council, the Chairman thanked those members of the public present for taking the time and effort to submit their questions and attend the meeting.

A5. Questions from Members

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

Question from Councillor Holland

With the rapidly increasing cost of energy, could the Portfolio Holder for the Environment let us know what initiatives the County Council is pursuing to

encourage, investigate and make effective use of alternative clean energy sources such as underground coal gasification, ground source heat pumping, copse harvesting and chipping, wave generation, farm waste conversion processes, and solar energy. Durham County has all these alternative sources of energy readily available to it. To what extent has the County Council sought to fuel all its own buildings using such independent energy sources while simultaneously minimising energy waste?

Councillor B Young replied to the question as Cabinet Member for Environment, summarised as follows:

The County Council was a leader in the exploitation of renewable energy and three new schools currently being constructed would have a wood fuel boiler plant. In addition the County Council was working with the Carbon Trust to explore the potential of installing wind turbines on under utilised council owned land.

The County Council had produced a strategy for the development of appropriate renewable energy schemes across County Durham. It introduced the concept of locally produced energy for local use and aimed to encourage awareness among the local population of the connection between energy production and consumption.

The County Council recognised the need to pilot and promote best practice and equipment. Pilot schemes of renewable energy technologies including wind, biomass, solar and combined heat and power had been carried out and provided a realistic illustration of how resource development could be initiated.

Question from Councillor Woods

In light of the statement issued by Northumberland County Council this week detailing a £55million short fall in the future budget of their new unitary council, can the portfolio holder for Corporate Resources tell us whether we will have a similar problem? Can they also confirm that this council will follow the lead of Jeff Reid, Leader of Northumberland County Council and make sure the public are fully informed of the council's financial situation during LGR.

Councillor Hodgson replied to the question as Cabinet Member for Resources, summarised as follows:

The County Council's Medium Term Financial Plan (MTFP) anticipated savings being made in this and the next two years. The National Efficiency Agency required cashable savings to be identified year on year by all our councils.

The Districts Councils would bring their own challenges to the new authority. Many had used reserves to bolster their budgets in recent years which would

have to be addressed as part of the MTFP for the new council. This work had already commenced and details would be presented to Cabinet in due course.

The County Council had a history of keeping Members informed through the year about its finances with reports to Cabinet which were open meetings. There would also be an opportunity for all Members to ask more detailed questions in a series of meetings referred to as 'Budget Briefings' during this year. District Councils were also being asked to provide information on their financial performance during the year which would assist the new authority in understanding how their financial pressures were addressed. District and County information would be brought together and reported to Cabinet.

Question from Councillor Hopgood

Following a court ruling this week on the action by women working for Redcar and Cleveland and Middlesbrough Councils and the statement from their barrister which said "The court's ruling, that discriminatory pay protection is unlawful, could pave the way for thousands of new equal pay claims against local authorities and the NHS. This could be in addition to the thousands of equal pay claims that are already in the system" - Could the portfolio holder for Corporate Resources say what impact that ruling will have on this council and give an estimate of the cost to the council.

Councillor Hodgson replied to the question as Cabinet Member for Corporate Resources, summarised as follows:

The Judgement document ran to over 100 pages, and the Council's lawyers were currently studying the ruling.

Initial reaction was that it did not apply to this council, as the issues around job evaluation and single status had yet to be fully settled.

Discussions were ongoing and had been for some time with the Trade Unions with a view to resolving this outstanding issue. The Council had been making prudent provision for the financial impact.

A6. Notices of Motion

(i) LGR Process

In accordance with a Notice of Motion, it was **Moved** by Councillor Woods, **Seconded** by Councillor Wilkes:

In light of the fact that there is limited information or involvement of Members in the LGR process.

This Council accepts that it is vital for all Members to be involved in shaping the new unitary authority.

The Council therefore resolves to hold regular meetings on the progress towards LGR, at least monthly, to provide a real opportunity for all Members to be involved and contribute to the decision making process. These meetings shall be open to members of the public.

In order to ensure clarity and transparency all meetings will have full minutes taken, be formally circulated to all Members and be available on the Council's web site.

The following Amendment was **Moved** by Councillor Henig, **Seconded** by Councillor Robson:

Delete the first paragraph in the Motion and in Paragraph 3 replace "hold regular meetings" with "have regular updates in meetings of Cabinet and Overview and Scrutiny".

On a vote being taken the Amendment was **carried**.

On a further vote being taken it was

Resolved:

That the motion as amended be adopted.

(ii) Member Area Panels

In accordance with a Notice of Motion, it was **Moved** by Councillor Temple, **Seconded** by Councillor Burn:

This Council recognises that Article 10 of the Constitution confirms the existence of Member Area Panels and states that, "These Panels provide a link between local communities and the Council, enabling the Council to be more responsive to local needs and facilitate partnership working at the local level with other public and voluntary agencies".

Mindful of the important democratic role played by these Panels and the fact that three months have passed since the election of the current Council, the Council resolves:

1. *That a meeting of each Member Area Panel be called within 30 days of the date that this Motion is debated.*
2. *That a schedule of subsequent meetings be arranged for each Member Area Panel at intervals not exceeding two calendar months.*

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 Alderson, Barnett, A Bell, Burn, Campbell, Crooks, Farry, Hancock, N Harrison, Holland, Holroyd, Hopgood, Jopling, Martin, Mavin, Nicholson, B Ord, R Ord, Simmons, Sloan, Southwell, Stelling, Stoker, T Taylor, Temple, Thompson, Thomson, Wilkes, Wilkinson, Willis, B Wilson, Wood, Woods, R Young and Zair.

Against the Motion

Councillors Armstrong, Arthur, Avery, Blakey, Bleasdale, Bowman, Boyes, Brookes, J Brown, Burnip, Carr, Chaplow, Charlton, Cordon, Crute, Davidson, Dixon, Docherty, Foster, Graham, Gray, Henig, Hodgson, Hovvels, E Huntington, Iveson, Johnson, Laing, Maddison, Magee, C Marshall, D Marshall, L Marshall, Maslin, Moran, Morgan, B Myers, D Myers, Napier, Naylor, Nicholls, O'Donnell, Paylor, Plews, C Potts, M Potts, Robson, Rodgers, Savory, Shiell, Shuttleworth, Stephens, Stradling, P Taylor, Tennant, Todd, Allen Turner, Andy Turner, Vasey, Walker, J Wilson, Wright, Yorke and B Young.

Abstentions

Councillors A Bainbridge, D Brown, B Harrison, Hugill, Richardson and Shield.

The Motion was **Lost**.

(iii) Durham Johnston School

In accordance with a Notice of Motion, it was **Moved** by Councillor Martin, **Seconded** by Councillor Simmons:

This Council notes:

(a) The recent decision by the Schools Adjudicator to overturn the Council's admissions criteria relating to Durham Johnston School.

(b) Comments by the Adjudicator

1) to the effect that the policy of using associated transport arrangements was intrinsically unfair,

2) criticising the Council for its confusing and inconsistent use of the terminology,

3) criticising the Council for the inadequacy of its consultation arrangements, and

4) suggesting that the use of catchment areas or feeder schools might be more appropriate in the mixed urban/rural environment of the area,

(c) That there are a small but significant number of other secondary schools in the County which are over-subscribed and for which these may also be significant issues in deciding which children gain admission, and

(d) That while the Admissions Forum, which is tasked with advising the Council on admission criteria, has representation from teachers and from parents, there is no effective mechanism for the wider community to make representations on these key matters.

This Council resolves therefore to undertake, at an early date, a wide-ranging consultation exercise with all schools within the County, all local communities and other stakeholders before placing the issues before the Admissions Forum in early 2009 so that the decision on admission criteria for the September 2010 entry may be as fully informed as possible.

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

(iv) Name of the Council

In accordance with a Notice of Motion, it was **Moved** by Councillor Shuttleworth, **Seconded** by Councillor B Wilson:

That this Council retains its current title of Durham County Council, and this is confirmed at the next Full Council Meeting. Any re-branding/name change will cost Council Taxpayers in excess of £4m, and this is an unacceptable waste of money for the people of County Durham.

An amendment was **Moved** by Councillor Martin, **Seconded** by Councillor Hopgood:

That the words "in excess of £4m" be replaced by "an excessive amount" and add "By this decision any savings made be distributed equally across all 126 Member Initiative Fund allowances so that communities across all of County Durham benefit"

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

On a further vote being taken, the Motion was **lost**.

A7. Electoral Review of the County Council

The Council noted a Report of the Acting Director of Corporate Services which detailed the current position regarding the review of its electoral boundaries. (for report see file of Minutes)

Members were advised that the commencement of the review had been well covered within the local media as well as through County and District Council public information points.

A report from the All-Party Working Group would be presented to Council in due course in order to determine a response to Stage 1 (Council Size) of the Review.

A8. Standards Committee Annual Report 2007/2008

The Independent Chairman of the Standards Committee, Mr Eddy Marchant, presented the fourth annual report of the Committee which reflected on the main aspects of its work during 2007/08 (for report see file of Minutes).

Local Government Reorganisation would present further challenges for local Standards Committees and workloads would increase significantly when the Unitary Authority assumed the Monitoring Officer and Standards Committee roles for all of the County's Parish and Town Councils.

The Standards Board and the Government had both emphasised the need for local authorities to take greater ownership of the ethical agenda to embed the principles of ethical conduct into their culture. The Standards Committee would be required to take a strong lead on this particular issue and report quarterly to the Standards Board on its action.

In conclusion, Mr Marchant commented that the report once again presented both a positive and pleasing picture of the Council's performance, although as ever it was important to guard against complacency in the future.

It was **Moved** by Councillor Armstrong, **Seconded** by Councillor Stelling and

Resolved:

That the Standards Committee Annual Report be noted and the Council express its satisfaction with the performance as reported, and its appreciation to the Committee for its efforts in maintaining high ethical standards with the Council.