

DURHAM COUNTY COUNCIL

At an **Ordinary Meeting** of the **County Council** held on **Wednesday 5 November 2008** at the County Hall, Durham at **10.00 a.m.**

Present

Councillor O'Donnell in the Chair

Councillors Alderson, Armstrong, Arthur, Avery, A Bainbridge, B Bainbridge, A Bell, E Bell, Blakey, Bleasdale, Bowman, Boyes, Brookes, D Brown, J Brown, Brunskill, Burn, Burnip, Campbell, Carr, Chaplow, Cordon, Crute, Dixon, Docherty, Farry, Fergus, Foster, Freeman, Graham, Gray, Hancock, N Harrison, Henig, Holland, Holroyd, Hopgood, Hovvels, Hugill, Hunter, E Huntington, Iveson, Johnson, Jopling, Laing, Lethbridge, Liddle, Maddison, Magee, C Marshall, D Marshall, L Marshall, Martin, Maslin, Mavin, Moran, Morgan, Murphy, B Myers, D Myers, Napier, Naylor, Nicholls, B Ord, R Ord, Paylor, Plews, C Potts, Richardson, S Robinson, Robson, Rodgers, Savory, Shield, Shiell, Shuttleworth, Southwell, Stelling, Stephens, Stradling, T Taylor, Temple, Tennant, K Thompson, Thomson, Todd, Tomlinson, Allen Turner, Andy Turner, Vasey, Walker, Wilkes, Wilkinson, Williams, Willis, B Wilson, Wood, Woods, Wright, Yorke, B Young and R Young.

Apologies for absence were received from Councillors Bailey, Barnett, R Bell, Charlton, Cox, Crooks, Davidson, Hodgson, G Huntington, Lee, May, M Potts, Simmons, Sloan, P Taylor and Zair.

A1 Declarations of Interest

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

A2 Minutes

With reference to Minute No. A6 (ii) dated 6 August 2008, Councillor Shield asked that the record be amended to reflect that he voted 'For the motion' in the recorded vote concerning Member Area Panels. With that amendment the minutes of the meetings held on 6 August, 9 and 23 September and 1 October 2008 were confirmed as a correct record and signed by the Chairman.

A3 Chairman's Announcements

The Chairman informed Members of his intention to establish two cross-party Working Groups to oversee two key areas of work in response a number of representations made by Members.

The first working group would oversee redevelopments to the Council Chamber, Durham Room and Foyer Area, depicting the proud heritage of the County. It was also suggested that some form of acknowledgement to the outgoing Borough/District Councils would be appropriate to include within the redevelopment.

The second working group would investigate what the County Council could do in terms of celebrating the London Olympics in 2012 and how it could actively engage schools, community groups and youth clubs etc in preparation for this very prestigious event.

Resolved:

That the Council endorse the proposals outlined by the Chairman.

(b) Awards

Right Way Award

The Chairman reported that Victoria Lloyd, Senior Countryside Officer in the Environment Service had been presented with the "Right Way Award" at the Institute of Public Rights of Way and Access Management Awards Ceremony.

The award was made to Victoria for "seeing Durham's Rights of Way Improvement Plan as an opportunity to take an innovative and highly motivated approach to broaden the role of public rights of way, highlighting opportunities in the areas of health, exercise and sport, and developing exciting partnership projects with other organisations."

Highways Excellence Awards

The Chairman reported that Durham Constabulary's 'Bikewise' scheme had won 'Road Safety Scheme of the Year' at the Highways Excellence Awards.

The scheme focussed on casualty reduction and road safety for motorcycles in County Durham and was led by Durham Constabulary in partnership with the County Council. The scheme had gained national recognition & support for its different and successful approach.

Resolved:

That the Council place on record its congratulations to all those concerned.

A4 Presentation of the Chairman's Medal to Mr B Stobie, International Officer, Durham County Council

The Chairman made reference to the recent achievements of Brian Stobie, International Officer for Durham County Council. Through Brian's work the County Council had made active links with Slovakia, Russia, Germany, Denmark, France, Spain, United States and more recently, Hungary, where Brian had personally received the European Award at the Council's twinned

general assembly. The Chairman then presented the Medal to Brian in recognition of these achievements.

Resolved:

That the Council place on record its congratulations to Brian in recognition of his valuable work for the County Council's International Service.

A5 LGR Update

The Council noted a Report from the Chief Executive which provided Members with an update on the LGR programme to date (for report see file of Minutes).

Members were advised that the recruitment process for appointment of the Corporate Management Team had now been completed and the proposals for the Heads of Service would be considered at a Special Council meeting on 12 November.

A series of Members seminars on Licensing, Gambling and Taxi Licensing held in October had proved to be very successful.

Two separate consultation exercises would be held to look at the geography and functionality of the Area Action Partnerships with these expected to be completed by November and December respectively.

The Chief Executive also advised Members that confirmation had been received from the Department for Communities for Local Government that Parish Council Elections in County Durham would be deferred until 2013 following a period of consultation with all local government stakeholders in the County.

In response to a question from Councillor Woods about anxiety amongst staff in the Borough/District Council's regarding job security, the Chief Executive acknowledged the situation and sympathised with the uncertainty, adding that every effort was being made to inform all staff of the nature and complexity of the processes involved.

A6 Electoral Review of the County Council

The Council noted a report from the Acting Director of Corporate Services about the latest position on the Electoral Review (for report see file of Minutes)

The Boundary Committee had notified the Council that it had not yet come to a decision on the Stage 1 submission (Council size). Arrangements were being made to meet with representatives of the Committee in December and progress would be reported back to the Council in due course.

A7 Electoral Matters

The Council considered a report from the Chief Executive which recommended a number of key appointments for Electoral Services and advised Members of the Government's intention to combine both the Local and European elections in 2009 (for report see file of Minutes).

Members were further advised that the Council was required to appoint officers to discharge duties as the Local Returning Officer for the European Parliamentary Election in June 2009 and Acting Returning Officer for a General Election (or a Parliamentary by-election) that might be called between 1 December 2008 and 1 April 2009.

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

Resolved:

- (i) That the Head of Legal and Democratic Services be the Electoral Appointee for the purposes of the Transitional Regulations.
- (ii) That the proposal to combine local elections on the same date as the European elections in 2009 be noted.

A8 Appointment of Independent Members to the Standards Committee

The Council considered a report from the Acting Director of Corporate Services which sought agreement to commence the recruitment of Independent Members to the Standards Committee for 1 April 2009 (for report see file of Minutes).

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

Resolved:

- (i) That the recruitment and selection process for the appointment of Independent Members of the Standards Committee commence as soon as possible.
- (ii) That a cross party interview panel of Elected Members be drawn from the Standards Committee together with Monitoring Officer and their recommendations for the appointment of Independent Members be submitted to the Council for approval in due course.

A9 County Durham Economic Strategy 2008-2013

The Council considered a report from the Corporate Director, Environment, which detailed recent updates to and sought endorsement of the County Durham Economic Strategy (for report see file of Minutes).

It was **Moved** by Councillor Foster, **Seconded** by Councillor Martin and

Resolved:

- (i) That the Council endorse the Economic Strategy 2008-2013.
- (ii) That the Corporate Director, Environment, in consultation with the Portfolio holder for Economic Regeneration, be authorised to publish and disseminate the CDES to Members, partners and stakeholders as soon as possible on behalf of the Council.

A10 Notice of Motion

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

This Council notes that the issue of unadopted highways affects many thousands of residents of County Durham and that such highways are present in the Divisions of virtually all members of the Council.

This Council regrets that the cost of bringing these unadopted highways to adoptable standard is very high and could not be met from public resources in the short term.

This Council believes, nonetheless, that bringing unadopted highways up to adoptable standard would be of great benefit to wide sections of local communities and that to do so should be a clear policy objective for the longer term.

This Council therefore commits to producing a feasibility study within 12 months aimed at implementing this policy objective over a realistic timescale commencing no later than 1 April 2011.

The following Amendment was **Moved** by Councillor B Young, **Seconded** by Councillor Morgan:

That all references to 'highways' in the Motion be replaced with 'roads'.

In paragraph 2 the line 'could not be met from public resources in the short term' be replaced with 'could not be met from public resources alone' and that Paragraph 4 be deleted and replaced with "The Council therefore commits to further developing innovative mechanisms to promote private investment by utilising 'housing' style approaches to renewal and regeneration (equity share and equity loan schemes) aiming to generate levels of personal investment

previously unattainable for such projects and thereby draw in additional public funding”.

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.

A11 Questions from Members

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

Question from Councillor Temple

I refer to “budgets delegated to chief officers for area-based initiatives” described in article 10.02b of the Constitution.

- (a) *What amount was committed under these budgets in the last council financial year?*
- (b) *What new amount has been committed since May 2008?*
- (c) *By whose advice, other than the chief officers, have those decisions to commit expenditure since May 2008 been influenced or informed?*

Councillor Foster replied to the question, summarised as follows:

- a) Each year individual Members were allocated £6,000 capital to fund schemes in their area and £2,000 Members Initiative Fund

Total £6,000 x 63 Members = £378,000
Total £2,000 x 63 Members = £126,000

In addition last year a one-off additional sum of £6,000 had also been allocated to Members:

£6,000 x 63 = £378,000

Therefore the total allocated last year was £882,000

- b) This year exactly the same allocation had been made to individual Members:

£6,000 x 126 = £756,000
£2,000 x 126 = £252,000

Total = £ 1,008,000.00

- c) Members decided for themselves the priorities in their areas with an allocated Chief Officer authorising what the expenditure was within the criteria set by the County Council.

Question from Councillor Holland

Can the Portfolio Holder for Healthier Communities explain why, in County Durham, there are no dedicated services for people who have sustained brain injuries? This is in marked contrast to both Gateshead (with its Acquired Brain Injury Team) and Northumberland (with its Head Injury Service) where such services are provided. Does the Portfolio Holder recognize that today, because of major improvements in rescue and medical services, there are many more of our residents who are surviving traumatic head injuries? Would the Portfolio Holder agree that, as a matter of priority, this Council should follow the lead already shown by Gateshead and Northumberland and create its own dedicated ABI Team? It is noted in particular that at present there is a 14 week public consultation taking place designed to shape the local hospital services in County Durham and that part of the preferred option for the County Durham and Darlington NHS Foundation Trust is for a "Trust-wide centre of rehabilitation excellence – a completely new service for the area". Could this opportunity be used to introduce a much needed Community Brain Injury Team into this service and so enhance our essential duty of care to these needy patients?

Councillor E Huntington replied to the question, summarised as follows:

It was recognised that there were more people surviving traumatic head injuries thanks to the improvements being made in health care. However, such health care required a great deal of specialist input during the acute phase and for the first weeks afterwards. This needed to be organised on a regional basis to maintain a critical mass of expertise because of its specialised nature, with relatively few people requiring treatment.

Durham County Council already provided care to those people with head injuries who needed social care. This care was managed through joint teams which brought together front-line NHS and Social Work staff.

Services were commissioned for a number of people with head injuries, and local providers who had the specialist skills to provide the necessary care were utilised.

Consideration was being given, as part of a new commissioning strategy for disabled people, whether the Council needed a specialist team for people with acquired brain injury. This would be discussed with NHS colleagues to establish the need and demand for such a service, and if so, how this would be best provided.

Councillor Holland asked that the Council take the opportunity to tackle this serious problem and raise the issue with the NHS. In response, Councillor Huntington commented that it would be discussed and considered as part of the Commissioning Strategy.

Question from Councillor Wilkes

Can the Leader of the Council confirm that:

i) The additional £46,000 per Member revenue budget stated in the unitary bid will be honoured and;

ii) That the decision on how this is spent will be at the discretion of the local Member?

Will the current £2000 per member MIF fund and the £6000 per member highways budget be maintained, and is in addition to the Members Revenue Budget as implied by the Unitary bid?

Councillor Robson replied to the question, summarised as follows:

The questions related to the allocation of funds to Members in the new Authority and decisions on how money would be spent.

There were various references in the bid document with regard to the role of Members and their work at local level. The allocation of funding for Members would be addressed as part of the budget process. The principles about how money would be spent were to be determined. Members would be involved in discussion on the construction of a framework as to how this money was to be spent. As a starting point it was envisaged that decisions on spending would have regard to a combination of County Council priorities and local needs.

Question from Councillor Southwell

Can the Portfolio Member for Resources please explain what this Council is doing to help residents who are struggling financially due to the credit crunch and tell us how much money is allocated to this end?

Councillor Robson replied to the question on behalf of the Cabinet Member for Resources, summarised as follows:

Councils across the County provided a wide range of support mechanisms to local residents, often to most vulnerable in the County (examples were through Welfare Rights in the County Council and similar support from the Districts.) In addition, Councils supported a range of voluntary and community sector bodies who provided similar support. The County Durham Association had agreed to establish a task group to focus on the impact of the economic downturn in Durham.

Question from Councillor Freeman

Can the Portfolio Member for the Environment please tell us the financial cost to date of the failure of the aerobic digester, including any fines, and also how this will impact on recycling and landfill figures for this financial year?

Councillor B Young replied to the question, summarised as follows:

There were no additional financial costs to the County Council due to the aerobic digester being out of action at the present time. The aerobic digester when in operation was assisting the County Council to divert material from landfill in accordance with Government best practice by a treatment process which resulted in a compost-like output. The cost of this treatment was more expensive at the moment, although over time due to the increase in landfill tax and the implication of the Landfill Directive this would not be the case. The cost of sending waste to landfill was cheaper than treatment. In effect, therefore there has been a financial saving to the Authority.

(Treatment cost per tonne = £81.50
Landfill cost per tonne £63.74)

The Authority had met its Landfill Allowance Trading Scheme (LATS) targets to date and had therefore not been subjected to any fines.

The Council was currently 7% down on its recycling and composting target. The current estimate at the end of this year is a performance of 30% which was about 5% above last year's performance but 5% below target for this year.

Question from Councillor Wilkes

Can the Portfolio Member for Resources please confirm that this Council spends over £8000 per year on post it notes and explain how this can possibly be justified? Will the portfolio holder for finance please assure this council that this will be stopped?

Councillor Robson replied to the question, summarised as follows:

The Council is expected to spend around £8,000 this year.

Whilst the prospect of saving £8,000 was not to be discounted lightly the Council employed a range of professional officers to manage the business and administration of the Council which employed nearly 20,000 staff. Services were always challenged to find efficiencies and if managers thought that money could be saved by stopping using post it notes then they would.

In addition, the Council's procurement policies should ensure the most effective purchasing decisions.

Question from Councillor Holland

On behalf of the County Council will the Portfolio Holder for Local Partnerships re-affirm its commitment, set out in the Unitary Bid document, to establish Town/Parish Councils for all of the unparished areas of the County? Will this Council also recognise the potential for a democratic deficit in these

areas after vesting day and therefore resolve to invest all the administrative support required to ensure that local councils are established in the unparished areas as soon as possible?"

Councillor Stephens replied to the question, summarised as follows:

The County Council was committed to the proposals as set out in the bid and would assist in the establishment of a Town/Parish Council in any area where there was public support. The County Council did not have the power to establish Town/Parish Councils until April 2009 as this currently fell within the remit of the Borough/District Councils.

A12 Questions from the Public

Five questions had been received from five members of the public about the following issues:-

- Nil to Pay Council Tax
- State of footpaths in Merrington Lane area of Spennymoor
- Resurfacing of Estate road at Parkland, Hamsterley Mill
- Level of Council Tax
- Latest position regarding the Transport Innovation Fund for Durham City

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.