

DURHAM COUNTY COUNCIL

At an **Extraordinary Meeting** of the **County Council** held on **Tuesday 17 March 2009** at the County Hall, Durham at **10.00 a.m.**

Present

Councillor O'Donnell in the Chair

Councillors Alderson, Armstrong, Arthur, Avery Bailey, A Bainbridge, B Bainbridge, Barnett, A Bell, E Bell, R Bell, Blakey, Bleasdale, Bowman, Boyes, Brookes, J Brown, Burnip, Campbell, Carr, Chaplow, Charlton, Cordon, Crooks, Crute, Dixon, Docherty, Farry, Foster, Freeman, Graham, Gray, Hancock, N Harrison, Henig, Hodgson, Holland, Holroyd, Hopgood, Hovvels, Hugill, Hunter, E Huntington, G Huntington, Johnson, Jopling, Laing, Lee, Liddle, Maddison, Magee, C Marshall, D Marshall, L Marshall, Martin, May, Morgan, B Myers, D Myers, Napier, Naylor, Nicholls, Nicholson, R Ord, Paylor, Plews, C Potts, G Richardson, S Robinson, Robson, Rodgers, Savory, Shield, Shiell, Shuttleworth, Simmons, Stelling, Stephens, Stoker, Stradling, P Taylor, Temple, Tennant, K Thompson, Thomson, Todd, Tomlinson, Allen Turner, Andy Turner, Vasey, Walker, Williams, Willis, Woods, Wright, Yorke, B Young, R Young and Zair.

Apologies for absence were received from Councillors Burn, Cox, Fergus, B Harrison, Iveson, Lethbridge, Maslin, Moran, Murphy, Nugent, B Ord, Sloan, Southwell, T Taylor, Wilkes, Wilkinson, Wilson and Wood.

A1 Declarations of Interest

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

A2 Chairman's Announcements

(i) Honorary Alderman John Richardson (Deceased)

The Chairman reported the death of Honorary Alderman John Richardson, who had represented the Willington Electoral Division from 1977 to 2001, following an earlier three year period on the former Council from 1964 to 1967. John had also been Chairman of the County Council from 1999 until 2001 and was made an Honorary Alderman in August 2001.

Members stood for a moment's silence as a mark of respect.

Resolved:

That the Council place on record its appreciation of Alderman Richardson's service both to the Council and the community.

(ii) 4 Star Rating

The Chairman announced that the Council had been awarded a 4 star rating, for the 4th year running in the Audit Commission Comprehensive Performance Assessment Framework.

Resolved:

That the Council place on record its appreciation for everyone's hard work and continuing dedication in securing this rating.

(iii) Retirement of John Richardson, Corporate Director, Environment

The Chairman reported that Mr John Richardson, Corporate Director, Environment, was to retire at the end of the month.

John had been appointed as Corporate Director in November 2005 and more recently held the position of Acting Chief Executive from April to September 2008.

Resolved:

That the Council place on record its appreciation of Mr Richardson's service to the Council and extend its best wishes for the future.

A3 Local Government Reorganisation (LGR) Update

The Council noted a report from the Chief Executive detailing the latest progress on the LGR programme (for report see file of Minutes).

The Chief Executive advised Members that rapid progress was now being made in the lead up to Vesting Day.

Notification had also been received from the Boundary Committee that they were minded to determine that the new Unitary Authority should have 126 Members and had formally announced the first consultation stage of the process to form a new pattern of Electoral Divisions for the County Council.

A4 New Constitution

The Council considered a report from the Acting Director of Corporate Services proposing a new Constitution which had been developed through the all party Constitution Working Group to enable the County Council to fulfil its

unitary responsibilities with effect from 1 April 2009 (for report see file of Minutes).

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

That the proposed new Constitution be adopted and the authorisations requested in the report be approved.

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

That paragraph 4.2 on page 92 of the Constitution be deleted.

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

A further Amendment was **Moved** by Councillor Martin, **Seconded** by Councillor Stoker

That paragraph 11.6 on page 98 of the Constitution be deleted

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

Councillor Holland asked that consideration be given in due course to possible amendment of the Planning Application procedures detailed in Paragraphs 8c, d and e on Page 65. He was concerned that the new Constitution in its current form, might deny an individual or organisation the opportunity to voice their opinion.

On a further vote being taken it was:

Resolved:

- (i) That the Council adopt the proposed new Constitution with effect from 1 April 2009.
- (ii) That the Acting Director of Corporate Services be authorised to make changes to the Constitution from time to time between formal reviews in order to reflect decisions of the Council or a Council body, or to comply with legislative requirements or to correct inaccuracies and;
- (iii) That the Corporate Director of Resources be authorised to incorporate additions to the list of outside bodies in Appendix D to the Members Allowances Scheme, in consultation with the Leader, pending the review of the Scheme following the report of the Independent Remuneration Panel.

A5 Appointment of Council Bodies and Allocation of Seats to Political Groups under Section 15 of the Local Government and Housing Act 1989

The Council considered a report from the Acting Director of Corporate Services dealing with the appointment of Council Bodies and the allocation of seats to Political Groups under Section 15 of the Local Government and Housing Act 1989 (for report see file of Minutes).

The Acting Director advised Members that some adjustments to the allocation totals would be required to correct the effects of the rounding mechanism.

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

Resolved:

- (i) That for the financial year 2009/10 the Council appoints the Committees and Sub-Committees as shown in the Appendix to the report in accordance with the Constitution and with the terms of reference set out therein;
- (ii) That in respect of the total number of seats on such Committees and Sub-Committees, the total allocation of seats to each political group and the indicative allocation of seats on each Committee and Sub-Committee be approved;
- (iii) That the Acting Director of Corporate Services be authorised, in consultation with the relevant Group Leader, to determine the adjustments to the total allocations for each group and the individual Committee and Sub-Committee allocations in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989;
- (iv) That the Acting Director of Corporate Services be authorised to allocate seats to political groups in respect of any further sub-committee which might be established from time to time, in accordance with the provisions of Sections 15 and 16 of the 1989 Act and
- (v) That the Council appoint the Corporate Parenting Panel with the allocation of seats set out below and with the terms of reference set out in the Constitution and that such seats be filled in accordance with the wishes of the relevant political group.

Labour	22
Liberal Democrat	9
Durham Independent	5
Conservative	3
Durham County Council Independent	1

A6. Appointments to Joint and Other Bodies 2009/10

The Council considered a report from the Acting Director of Corporate Services detailing appointments to joint and other bodies for 2009/10 (for report see file of Minutes).

Councillor Henig advised the Council that negotiations with the Association of North East Councils were continuing in order to maximise representation for the County, including party balance.

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

Resolved:

1. That the Council agree the allocation of seats outlined in Section 1 of the Appendix to the report, subject to the outcome of negotiations with ANEC.
2. That the memberships of the bodies and local authority associations for 2009/10 be allocated as set out in Section 2 of the Appendix to the report.
3. That the Chief Executive and Acting Director of Corporate Services be authorised:-
 - (i) to make appointments to other outside bodies to which the Council are invited to nominate, in consultation with the appropriate Group Leader(s);
 - (ii) to allow any changes to be made to the memberships of the main outside bodies approved by Council, which might become necessary during the course of 2009/10 in consultation with the appropriate Group Leader(s).