



Local Government Act 1972

I Hereby Give You Notice that an **Ordinary Meeting** of the **Durham County Council** will be held **remotely via Microsoft Teams** on **Wednesday 20 January 2021 at 10.00 a.m.** to transact the following business:-

1. To confirm the minutes of the meetings held on 2 and 16 December 2020 (Pages 5 - 24)
2. To receive any declarations of interest from Members
3. Chair's Announcements
4. Leader's Report
5. Questions from the Public
6. Petitions
7. Report from the Cabinet (Pages 25 - 28)
8. Members Parental Leave Policy - Report of Interim Corporate Director of Resources (Pages 29 - 48)
9. Members Allowance Scheme 2021-22 - Report of Interim Corporate Director of Resources (Pages 49 - 90)
10. Independent Persons - Report of Interim Corporate Director of Resources (Pages 91 - 98)
11. Annual Report of the Standards Committee 2019/2020 (Pages 99 - 108)

12. Report of the Audit Committee - September 2019 to August 2020 (Pages 109 - 118)
13. Motions on Notice

Cllr O Temple to Move

Durham County Council recognises the importance of transparency in the way it conducts its business, and enshrines it in its constitution by asserting that “The Council is committed to open, fair and transparent decision-making.”

Through its constitution the council further seeks to establish how it operates, how decisions are made and the rules and procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

It also requires that all members commit to being as open as possible about all the decisions and actions they take, and give reasons for decisions and restrict information only when the wider public interest or the law clearly demands it.

It is a matter of regret to this council, therefore, that it has no protocol or procedure to ensure that those matters which are properly and legally considered in Part B of any council meeting, with Press and Public excluded under Schedule 12A of the Local Government Act 1972, are made transparent and accountable to local people once the need for them to remain confidential has expired.

Council therefore requests:

1. That the council’s Constitution Working Group devise a protocol which ensures that papers which have been considered in Part B of any council meeting are reviewed on a regular and systematic basis to determine whether the reasons for which they were exempted from public view remain valid.
2. That where such papers are found no longer to have valid reason for exemption, the protocol devised sets out a clear route to their publication on the council’s website to ensure that the decisions made, and the reasons for them, are transparent and accountable to local people.

Cllr C Marshall to Move

Under government forecasts 2018 figures showed that the North East could be impacted by a loss of productivity of 11% in a deal scenario and 16% in a no deal scenario. This is against a UK forecast of 5% in a deal scenario and 8% in a no deal scenario. For County Durham this equates to at least £900m GVA and 18,000 jobs lost to the economy, this does not include the further impact of Covid-19.

The Council are developing and delivering a number of local schemes and programmes to support the economy and deliver jobs. Over the last 7 years this has included where County Durham have led on the delivery of £155m ring fenced European funding, which has driven the creation of over 3,000 jobs, supporting over 1,000 enterprises, the reduction of 5548 tonnes of green house reduction and supporting 43,000 people with employability. County Durham have also successfully applied for wider funds to support rural economies.

Had the UK remained part of the EU Regional Funding regime after 2020, it was expected that County Durham and the Tess Valley would have a renewed status as 'less developed region' where the funding ring fenced to County Durham is forecast to have doubled to £270m in today prices.

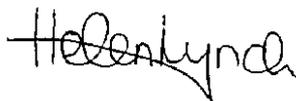
Therefore, this Council formally calls on Government as follows:

1. That the UK Prosperity Fund, which is due to replace the EU Regional Funding should ensure for County Durham that the allocation of funds be based on need fair share and ensure the county is in a 'no worse' financial position that it otherwise would have been from 2020 onwards of £270m. This to be ring fenced directly from Shared Prosperity Fund and that this be in addition to any competitive bids the county otherwise submits into national or devolved programmes as would have been the case previously.
2. Governance should be local responsibility. Under UK prosperity fund the same or more local autonomy is given to County Durham to ensure local decision making and control of investment.

14. Questions from Members

And pursuant to the provisions of the above-named act, **I Hereby Summon You** to attend the said meeting

Dated this 12th day of January 2021

A handwritten signature in black ink that reads "Helen Lynch". The signature is written in a cursive style with a prominent loop at the end of the word "Lynch".

Helen Lynch
Head of Legal and Democratic Services

To: All Members of the County Council

DURHAM COUNTY COUNCIL

At an Ordinary Meeting of the County Council held via Microsoft Teams on
Wednesday 2 December 2020 at 10.00 am

Present:

Councillor K Corrigan in the Chair

Due to technical issues we are unable to confirm attendance at the meeting.

Apologies for absence were received from Councillors A Bell, P Brookes, C Carr, I Cochrane, S Iveson, D Stoker and S Zair.

1 Minutes

The minutes of the meeting held on 21 October 2020 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 the meeting would be the final full council meeting for the council's Chief Executive, Terry Collins who was retiring at the end of the year. Terry had served a successful 43-year career in local government at the City of York, Redcar and Cleveland, Brighton, Eastleigh, Darlington and South Tyneside Councils.

Terry joined the council in February 2009 as Corporate Director for Neighbourhoods, two months before the new unitary authority became operational.

Terry had been the council's Chief Executive for the past five years and had racked up a number of notable achievements during his time including the development of the council's culture-led regeneration programme into one of the most extensive and ambitious in the country, in turn increasing Durham's national and international reputation as a great place to invest and visit, increasing visitors to the County and boosting job creation and the economy. This had included Lumiere, the UK's largest light festival, which attracted its one millionth visitor in November 2019.

Terry had provided robust financial management during years of austerity to ensure that the council could continue to provide strong frontline services and had been instrumental in the development and delivery of a countywide investment programme including the new Integra 61 development and the expansion of NETPark. He also led the team responsible for bringing the Amazon facility to County Durham, which was one of the largest in the country.

More recently Terry had led the Council through its response to the coronavirus pandemic.

The Chair placed on record her personal appreciation to Terry for his time as Chief Executive. The Council's achievements under his leadership spoke for themselves and the Chair was sure all Members of the Council would associate themselves with her remarks.

Councillor Henig, Leader of the Council thanked Terry for his service to the council as both Corporate Director of Neighbourhood Services and as the council's Chief Executive. He wished Terry all the best for a long and happy retirement.

Councillor Amanda Hopgood, Leader of the Liberal Democrat Group, Councillor J Shuttleworth, Leader of the Durham County Council Independent Group, Councillor R Bell, Leader of the Conservative Group, Councillor A Shield, Leader of the Durham Independent Group and Councillor L Maddison, Leader of the Spennymoor Independent Group all added their thanks to Terry for his service to the council, particularly for his leadership during the pandemic, and wished him all the best for a long and happy retirement.

Terry Collins, Chief Executive thanked Members for their kind comments. He thanked all Members for their help and support during his service with the council, his CMT colleagues for their support and all staff who worked for the council.

The Chair informed Council that the meeting had a lengthy agenda and sought agreement from to waive standing orders to allow for the extension of the meeting should it go beyond 2 and a half hours, and if time allowed for motions goes beyond 30 minutes. **Seconded** by Councillor O Johnson.

Resolved:

That standing orders be waived to allow for the extension of the meeting should it go beyond 2 and a half hours, and if time allowed for motions goes beyond 30 minutes

4 Leader's Report

The Council noted a report from the Leader of the Council as follows:

- Staff across the authority continued to work incredibly hard in responding to the many challenges brought about as a result of the pandemic and the Leader thanked everyone for their hard work and commitment.
- In recent weeks the Director of Public Health and the Leader had met regularly with colleagues from across the north east councils that made up the LA7 to discuss coronavirus rates and what could be done to try and bring these down. A series of rallying calls had been issued by the LA7 to people who lived across the north east asking everyone to play their part to bring down the rates and keeping each other safe.
- Infection rates in County Durham and across the north east had been falling for several days. However, the government had decided to place the whole of the north east under the highest restriction, Tier 3, once the national lockdown expired.
- At the beginning of November as England entered lockdown the Council had once again had to close libraries and leisure centres, although the Council was now looking to reopen some of these services as the country returned to a Tiered system.
- Since the start of the pandemic the Council's priority had been to maintain key services and thanks to the safety measures now in place the council had been able to ensure that schools, household waste recycling centres, playgrounds, parks and allotments had remained open during the second national lockdown. At the time of entering the second lockdown the Council had written to those classed as clinically extremely vulnerable to advise them of the support available and to ensure they were aware of the latest government guidance.
- The Council had recently acted to ensure residents had increased access to coronavirus testing by opening a new facility in the upper County Hall car park. Testing at the site was available seven days a week from 8 a.m. to 8 p.m. and this would continue for at least the next three months.
- The Council had launched its Covid Community Champions Scheme through which members of the public were helping pass on important information and guidance needed to keep communities safe. The Council was keen to add more community champions and further information was available on the Council's website.
- Council teams continued to work hard to support businesses affected by the latest local and national coronavirus restrictions. Staff were busy contacting those who may be eligible for funding to highlight the support available and to process the governments Local Restrictions Support Grants as soon as possible.
- Following the House of Commons vote against extending the national school meals scheme to cover school holiday periods in October the

Council provided vital support to those families most in need. Parents and carers whose children were eligible for means-tested free school meals were able to apply for one £15 voucher to buy food and drink supplies. The scheme received more than 4,000 applications within hours of its launch and overall the total of £156,270 was given to families to provide meals for 10,418 children across County Durham. The Leader thanked Cabinet colleagues and council officers for implementing this vital scheme at very short notice.

- Last week saw the government spending review. While the Council welcomed new funding announcements such as the first details of the government's Shared Prosperity Fund the Council awaited the precise implications and allocations for County Durham. These would be reported to Cabinet and Council when they became clear.
- In terms of the Shared Prosperity Fund it was essential that the previous regional funding received by County Durham and the north east was not reduced and that decisions on how the fund was spent should be made locally, not nationally.
- One less positive aspect of the spending review statement was the pay freeze announced for many public sector workers who had performed heroically over recent months during the coronavirus pandemic.
- The Council had been named as one of the top employers in the country for its apprenticeship opportunities. The Council was awarded a place in the governments top 100 apprenticeships employers list, joining 10 other local authorities who had made the list. The Council currently had 259 apprentices working in a wide range of roles across services and schools, including catering, accounting, construction and business administration.
- New research showed that the Council had one of the best Climate Change Action Plans for addressing food emissions. SUSTAIN analysed 92 Council Plans and found that only 13, including Durham's, were adequate given the scale of the crisis and the significant footprint from the food system.
- As part of the Council's Climate Emergency Response Plan the Council had been rolling out energy efficiency measures in buildings and public places across the County. This included replacing bulbs with LED lighting in more than 400 bus shelters, newly renovated subways and some schools.
- Last month the Council launched its Find and Fix Scheme as part of a £31m investment in frontline services. The project built on the Councils routine green maintenance and street cleaning work and worked alongside communities to address cleanliness concerns identified by the Teams or residents as soon as possible.
- More than 600 people from across County Durham attended virtual events organised by the Council's 14 Area Action Partnerships to thank the many local groups, individuals and businesses who supported their communities during the pandemic. The 'Better for

Everyone' sessions were also a chance for residents to have their say on longer-term regeneration projects such as the Councils Towns and Villages Programme. The Leader had spoken at all 14 on-line events and thanked all those involved in the running of the events and all those who had participated.

- Sadly, the pandemic had resulted in many Remembrance Sunday Services, parades and wreath laying ceremonies not being able to take place. To allow people to commemorate the occasion in a safe and meaningful way the Council staged a series of online activities as well as lighting up six landmarks in red as a tribute to the fallen. The Council also worked with the Durham Light Infantry collection to produce a learning programme for schools. The activities were well received and the Leader thanked residents again for keeping communities safe by commemorating at home.
- The Highways Team had completed a new link road between Renny's Lane and Damson Way which was carried out to support an increase in vehicles using the A181, Dragon Lane and Sunderland Road following recent developments in the area including Durham City Retail Park and the opening of The Range and Lidl.
- Work continued on New Elvet Bridge in Durham City centre with the central section of the structure being raised. This was a major milestone in the project and the Leader was pleased to report that deck lift had been successful.
- Work had also begun to transform Festival Walk in Spennymoor from an outdated shopping precinct into a new, free to use town centre car park and retail area. The Council had invested £600,000 into the project as part of ongoing regeneration work across the county.
- The Council had teamed up with East Durham College to deliver heritage construction training courses as part of the £2.25m Seaham Townscape Heritage Project.
- Lumiere would return to County Durham next year. The festival, which boosted the county's economy by £11.5m in 2019, would take place from Thursday 18 to Sunday 21 November 2021.

5 Questions from the Public

There were no questions from the public.

6 Petitions

There were no petitions for consideration.

7 Report from the Cabinet

The Leader of the Council provided the Council with an update of business discussed by Cabinet in October and November 2020 (for copy see file of Minutes).

Due to technical difficulties with the live stream broadcast the meeting was closed following consideration of Item No 7.

DURHAM COUNTY COUNCIL

At an Extraordinary Meeting of the County Council held remotely via Microsoft Teams on **Wednesday 16 December 2020 at 10.00 am**

Present:

Councillor K Corrigan (Chair)

Councillors E Adam, J Atkinson, P Atkinson, A Bainbridge, B Bainbridge, A Batey, A Bell, D Bell, E Bell, J Bell, R Bell, J Blakey, L Boyd, D Boyes, D Brown, J Brown, J Chaplow, J Clare, J Clark, M Clarke, J Considine, B Coult, P Crathorne, R Crute, M Davinson, S Dunn, D Freeman, A Gardner, O Gunn, D Hall, C Hampson, T Henderson, S Henig, D Hicks, J Higgins, A Hopgood, K Hopper, L Hovvels, S Hugill, E Huntington, G Huntington, I Jewell, O Johnson (Vice-Chair), B Kellett, L Kennedy, A Laing, J Lethbridge, J Makepeace, R Manchester, C Marshall, L Marshall, C Martin, L Mavin, M McKeon, I McLean, O Milburn, S Morrison, A Napier, J Nicholson, R Ormerod, A Patterson, C Potts, S Quinn, A Reed, G Richardson, J Robinson, J Rowlandson, A Savory, E Scott, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, H Smith, T Smith, J Stephenson, B Stephens, A Surtees, P Taylor, O Temple, K Thompson, F Tinsley, J Turnbull, A Watson, M Wilkes, C Wilson, M Wilson, D Wood and R Yorke

Apologies for absence were received from Councillors H Bennett, G Bleasdale, P Brookes, L Brown, C Carr, J Charlton, I Cochrane, I Geldard, J Grant, S Iveson, K Liddell, H Liddle, J Maitland, E Mavin, S McDonnell, P Oliver, D Stoker, A Willis and S Zair

Prior to the commencement of the meeting the Chair reported with regret the passing of former Durham County Councillor Ken Holroyd. Ken represented the Belmont Division from 2005 to 2013. Members gave a moments reflection out of respect to Ken.

1 **Chairs' Announcements**

The Chair informed Council that the meeting had a lengthy agenda and sought agreement from to waive standing orders to allow for the extension of the meeting should it go beyond 2 and a half hours, and if time allowed for motions goes beyond 30 minutes. **Seconded** by Councillor O Johnson.

Resolved:

That standing orders be waived to allow for the extension of the meeting should it go beyond 2 and a half hours, and if time allowed for motions goes beyond 30 minutes

2 Declarations of Interest

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

3 Mid-Year Review Report on Treasury Management for the period to 30 September 2020

The Council considered a report of the Corporate Director of Resources which provided information on the treasury management mid-year position for 2020/21 (for copy see file of Minutes).

Moved by Councillor Shuttleworth, **Seconded** by Councillor Napier and

Resolved:

That

- (a) progress with the Treasury Management Strategy 2020/21 be noted;
- (b) the overall counterparty limit for Money Market Funds be increased to £125m, with the maximum exposure to a single Money Market Fund increased to £25m be agreed.

4 Local Council Tax Reduction Scheme 2021/22

The Council considered a report of the Corporate Director of Resources which sought approval for the continuation of the current Local Council Tax Reduction Scheme (LCTRS) for a further year into 2021/22, which would continue the protection afforded to all claimants in line with what their entitlement would have been under the former Council Tax Benefit system (for copy see file of Minutes).

In **Moving** the report Councillor A Napier, Deputy Leader and Cabinet Portfolio Holder for Finance, informed Council that he had championed the need to maintain the Council Tax Support Scheme for many years. The Council had consistently protected the benefits payable under the Scheme to ensure the most vulnerable residents were supported. It was more important than ever to continue to provide benefits through the Scheme that mirrored those that were in place before the Scheme was passed to local authorities. Responsibility for the Scheme was passed to local authorities, together with an assumed 10% cut to the funding needed to deliver it. It was because the Council had protected its Scheme that it had been able to provide additional support through the pandemic. The Council had applied a further £300

reduction eligible resident's council tax bills this financial year which had been a huge help to people who were struggling to pay bills and make ends meet. The Council was also proposing to apply an additional £100 of council tax support for next year. This, alongside the Council's welfare support schemes, would ensure the Council was providing as much support as possible to local residents.

In **Seconding** the report, Councillor S Henig informed Council that he was delighted that Cabinet had resolved to recommend to Council that the current Local Council Tax Reduction Scheme be continued for another year. Seven years after the government abolished the national council tax benefits system Durham was among a small number of authorities nationally to continue to offer working age residents up to 100% exemption from paying council tax and the only authority in the north-east to do so. The Local Council Tax Reduction Scheme benefitted tens of thousands of residents across County Durham and this was more important than ever during the extremely difficult circumstances of the coronavirus pandemic. The report showed that the Scheme had seen significant increased demand.

Resolved:

That:

- (a) the current Local Council Tax Reduction Scheme into 2021/22, which will retain the same level of support to all working age council taxpayers on low incomes as was the case under the previous Council Tax Benefit Scheme be continued.
- (b) the extension to the Scheme be initially for a further year only and be kept under continuous review with a further decision on the scheme to apply in 2022/23 to be considered by Cabinet in summer 2021 and Full Council by 11 March 2022 be agreed.

5 Overview and Scrutiny Committee Annual Report 2019/20

The Council noted the Overview and Scrutiny Annual Report 2019/20 (for copy see file of Minutes).

Councillor R Crute, Chair of the Corporate Overview and Scrutiny Management Board presented the report to Council. The report covered a longer period than usual, including scrutiny work from May 2019 up to the summer recess in 2020. As with so many things in 2020 scrutiny had needed to change the way it carried out its work. The work programme had been paused in March 2020 due to the global pandemic and while officers and Members were busy supporting communities across County Durham. Once emergency legislation was introduced and remote meetings could take place scrutiny was able to restart the work programme, but this needed to be re-prioritised with a reduced number of meetings. This inevitably meant that

some work which was planned to be carried out could not be completed and therefore some review work would carry on into 2020/21.

Councillor Crute provided Council with some of the work covered during the year in the thematic committees as follows:

- The Adults, Wellbeing and Health Overview and Scrutiny Committee had engaged in a number of statutory consultations on proposed changes to the delivery of health services. The Committee also continued its review of GP provision.
- A joint committee with Members of the Children and Young People's Overview and Scrutiny Committee and Environment and Sustainable Communities Committee considered proposals for the extension of the community water fluoridation scheme.
- The Children and Young People's Overview and Scrutiny Committee worked jointly with the Safer and Stronger Communities Overview and Scrutiny Committee on a review of children's residential care homes. The Children and Young People's Overview and Scrutiny Committee had also carried out a review of elective home education and prior to lockdown the Committee had continued its practice of engaging with young people with a successful meeting held in Durham Johnston School.
- The Economy and Enterprise Overview and Scrutiny Committee monitored a proposed selective licensing scheme for the County and also considered the continued development of key strategic employment sites and continued to monitor the progress of the County Durham Plan and the Housing Strategy for County Durham.
- The Environment and Sustainable Communities Overview and Scrutiny Committee undertook a review of the County Council's proposed future allotment policy and provided a comprehensive response to the Climate Emergency consultation and would continue to monitor progress of the Climate Emergency Response Plan and the County Council's Carbon Management Plan.
- The Safer and Stronger Communities Overview and Scrutiny Committee provided comment on the Safe Durham Partnership Plan and undertook review activity on the development of a road safety strategy. The Committee also had one of its earlier recommendations on Cyber Crime fulfilled with the production of a film called Hack which highlighted the dangers of cyber crime.
- The Corporate Overview and Scrutiny Management Board contributed to the budget process through consideration of the Medium Term Financial Plan. In times of continued austerity and increasing financial uncertainty this was a significant undertaking. The Committee had also monitored performance and contributed to the consultation process for the Vision for County Durham 2035.

Scrutiny continued to take part in a considerable amount of partnership working, including scrutinising the NHS, taking part in the North East Combined Authority Overview and Scrutiny Committee and the Joint Transport Overview and Scrutiny Committee.

Councillor J Robinson placed on record the thanks of all of the Scrutiny Committees to Councillor Crute for the excellent way he chaired Scrutiny and for his support of all Chairs and Vice-Chairs.

6 Appointment of Interim Chief Executive

The Council considered a report of the Chief Officer Appointments Committee which informed Council of the recruitment process for an interim Chief Executive and sought approval for the recommended appointment to the post (for copy see file of Minutes).

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

Resolved:

That John Hewitt be appointed as the Interim Chief Executive Officer with effect from 1 January 2021.

7 Director of Public Health Annual Report 2020

The Council received the 2020 Annual Report of the Director of Public Health for County Durham (for copy see file of Minutes).

Under the Health and Social Care Act 2012, one of the statutory requirements of the Director of Public Health was to produce an annual report about the health of the local population. The local authority had a duty to publish the report. The government had not specified what the annual report might contain and had made it clear that this was a decision for individual Directors of Public Health to determine.

The Director of Public Health annual report for 2020 focused on the following:

- a) Health and wellbeing across County Durham
- b) Response to COVID-19
- c) Approach to Wellbeing
- d) The Taylor's Community
- e) How the Council had worked with partners to impact on the Health and Wellbeing of residents living in County Durham
- f) An update on the seven public health strategic priorities
- g) A focus on the following strategic priorities and recommendations for their future work:
 - i. Good jobs and places to live learn and play
 - ii. Every child to have the best start in life

- h) An update on recommendations from 2019
- i) A set of recommendations based on the two priority areas of focus

Councillor L Hovvels, Cabinet Portfolio Holder for Adult and Health Services thanked the Director of Public Health for the presentation of the Annual Report. The response to the COVID-19 pandemic was a specific focus to this year's Annual Report. The pandemic was one of the greatest public health challenges in living memory with significant repercussions to health and wellbeing of families and communities. The response clearly demonstrated that health and wellbeing was everybody's business and the vital part that individuals, communities, businesses, services and organisations played in controlling the virus in working alongside residents.

8 Corporate Parenting Panel Annual Report 2019/20

The Council received the Corporate Parenting Panel Annual Report April 2019 – March 2020 (for copy see file of Minutes).

The Annual Report was due to be agreed by the Corporate Parenting Panel at its meeting on 17 July 2020, however due to the Covid 19 pandemic it was agreed by the Chair and Vice Chair, then circulated by email to the Corporate Parenting Panel for wider agreement. The Annual Report 2019-20 was endorsed by Cabinet on 14 October 2020.

Councillor Jewell, Chair of the Corporate Parenting Panel informed Council that the report covered the period April 2019 to March 2020 and was presented to Council later than usual due to the ongoing pandemic. Councillor Jewell thanked Members and Co-opted Members of the Corporate Parenting Panel, officers and young people for their continued work and commitment throughout the year.

Councillor Jewell reminded all Members that they had responsibility as Corporate Parents, even if they were not Members of the Corporate Parenting Panel. Young people were an important part of the overall process and it was important for them to feed into the process from a child and young person in care perspective. The Panel had worked hard to improve the offer for children and young people in care and Councillor Jewell outlined the Panel's priorities for 2020/21.

Councillor O Gunn, Cabinet Portfolio Holder for Children and Young People's Services placed on record the council's thanks to Members of the Corporate Parenting Panel for their excellent work and also to the Children in Care Council for their input and contribution.

Councillor Hopgood requested that the Council's thanks to Councillor Brookes, who was Chair of the Panel for the majority of the time the report referred to, be formally minuted.

9 Motions on Notice

In accordance with a Motion it was:

Moved by Councillor O Temple, **Seconded** by Councillor E Scott that:

This council is aware that that the council has taken multimillion pound headleases in respect of four developments in County Durham:

- 1. Two office developments at Freeman's Reach, Durham City*
- 2. An industrial development at Merchant Park, Newton Aycliffe*
- 3. The major development currently under construction at Milburngate, Durham City*

Council is also aware that at the time of approving these head leases, Cabinet took into account the significant transfer from the private sector to the council of both the potential risk and reward that could flow from these developments. At that time cabinet judged that the potential rewards outweighed the possible risks.

In the light of the coronavirus pandemic and the significant changes that are taking place in both commercial practice and consumer behaviour as a result of it, council requests that a report be brought to the next meeting of Cabinet after 1st February 2021 setting out the cabinet's latest detailed assessment of these changed circumstances and their likely impact on the council's budget in future years in terms of:

- The current and future expected range of commercial activity to be undertaken by leaseholders/tenants of these properties*
- Potentially changed lease or rental levels for each of these tenant types*
- The likelihood of the council being able to re-let the properties where the leases of current or contracted occupants come to an end before the council's head lease itself ends*
- The revised best and worst-case scenarios the council envisages in terms of Income and expenditure from these investments.*

Councillor C Marshall, Cabinet Portfolio Holder for Economic Regeneration thanked Councillor Temple for his Motion. Councillor Marshall informed Council that he supported the Motion and looked to bring forward a full and thorough report on the Council's ambition to grow the economy of County Durham to Cabinet in February 2021.

Their being no dissent, the Motion was **carried**.

Moved by Councillor P Sexton, **Seconded** by Councillor Shuttleworth that:

I call on the Council to conduct an internal review of the decision made to allow admissions of Covid-19 patients from Hospitals into County Durham care homes.

Councillor L Hovvels, Cabinet Portfolio Holder for Adult and Health Services informed Council that she was always available for any Member to speak to her about concerns they may have. In March 2020 the government instructed local authorities to work with the NHS to support with the discharge of patients from hospital to make way for the anticipated surge in the number of admissions due to COVID-19. Throughout the pandemic the Council had followed national guidelines, worked closely with NHS colleagues and provided extensive practical and financial support to all care homes. Ultimately, it was a clinical decision to discharge somebody from hospital. All current resources were focused on managing the evolving situation of the pandemic within the County. The Prime Minister was committed to a national inquiry in the future and the national guidance given around the admissions of the COVID-19 patients into care homes would no doubt be a key element of the inquiry. Councillor Hovvels could not support the Motion until the national inquiry had taken place.

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

Moved by Councillor M Wilkes, **Seconded** by Councillor L Mavin that:

County Durham has one of the highest Covid-19 care home death rates in the UK. There continues to be significant outbreaks in our care homes.

It is essential that we learn from what has happened and continues to happen so that we can reduce the risks of further deaths in our care homes over the winter and spring.

This Council therefore calls for an independent review to take place immediately to report back as soon as possible with initial findings.

Councillor L Hovvels, Cabinet Portfolio Holder for Adult and Health Services expressed her sincere condolences to all those who had lost loved ones as a result of the pandemic and thanked all staff working in social care during these unprecedented and challenging times. It was very misleading to say that County Durham had one of the highest care home death rates in the

United Kingdom. County Durham had one of the largest numbers of care homes in the country with over 5,000 beds. Sadly, during Phase 1 County Durham experienced approximately 66 deaths for every 1,000 care home beds and this rate was in line with many other local authorities across the country. Undertaking an independent review would be a complex and challenging exercise in terms of appointing an independent Chair, establishing the terms of reference, gathering thousands of pieces of evidence, interviewing relevant individuals and reviewing the evidence. This could take up to two years and be an expensive exercise. It was right however to learn lessons from the pandemic and the Prime Minister had committed to a national enquiry, which the Council could feed into at the time. All resources were focussed on managing the ongoing situation within County Durham and it would not be right to divert any essential resources away from the matter in hand to carry out an investigation at this time.

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

Moved by Councillor O Gunn, **Seconded** by Councillor McKeon that:

This Council notes with concern the unique and challenging circumstances currently affecting schools and applauds the work of teachers and all school staff. Since the outbreak of COVID 19 their commitment to provide the best possible educational experience in an increasingly challenging and complex scenario has been outstanding.

The impact of the pandemic has resulted in significant disruption to teaching and learning and, as a result, pupils taking GCSEs, AS and A -levels cannot realistically be expected to either focus properly upon their education or complete all of the units of work necessary. Moreover, there has been a disproportionate impact in some areas that already faced significant inequalities due to high infection rates, the North East being one of those areas worst affected.

This Council asserts that the vast inequalities of classroom based learning vs home learning make any traditional examination system fundamentally flawed and unfair. It is impossible to guarantee a level playing field for examinations in 2021. Furthermore, a three week examination delay announced by Government falls far short of addressing the anxieties and concerns of teachers, parents and most importantly, the pupils themselves.

It is therefore essential that the Government provides clarity for pupils and teachers now and not next month or next year. The fiasco of the summer examinations was hugely stressful for pupils and there must be no repeat of the confusion and anxiety caused by another Government last minute u turn.

This Council deplores the Government's unwillingness to listen to educators and learners whilst expecting them to work in such challenging circumstances.

This Council therefore calls upon the Government as a matter of urgency to:

- a) cancel 2021 school examinations and move to a robust and transparent teacher assessment model;*
- b) liaise with Local Government and other relevant bodies to bring this to fruition.*

An Amendment was **Moved** by Councillor R Bell, **Seconded** by Councillor Makepeace as follows:

This Council notes with concern the unique and challenging circumstances currently affecting schools and applauds the work of teachers and all school staff. Since the outbreak of COVID 19 their commitment to provide the best possible educational experience in an increasingly challenging and complex scenario has been outstanding.

~~*The impact of the pandemic has resulted in significant disruption to teaching and learning. and, as a result, pupils taking GCSEs, AS and A levels cannot realistically be expected to either focus properly upon their education or complete all of the units of work necessary. Moreover, there has been a disproportionate impact in some areas that already faced significant inequalities due to high infection rates, the North East being one of those areas worst affected.*~~

This Council notes with concern that the North East has been one of those areas worst affected by Covid-related disruption.

This Council notes that the Prime Minister and Education Secretary have been clear that exams will go ahead in 2021. Recognising that the pandemic has disrupted students' learning, the Education Secretary has announced that most AS, A levels and GCSEs will be held three weeks later than usual.

This Council notes also the anxiety caused by the uncertainty over SATS tests for our Year 6 primary pupils.

This Council therefore calls upon the Government as a matter of urgency to:

- a) Ensure that exams can go ahead in 2021 on a fair and equitable basis;***

- b) Publish updated guidance before the end of the year, on how to take into account Covid-related disruption on a school by school, class by class and individual by individual basis in awarding exam results;**
- c) Introduce robust and transparent processes for continuous assessment, to ensure that the impact on individuals of their specific circumstances due to Covid-related disruption are taken onto account in grading;**
- d) Publish a timetable for examinations and any changes before the end of the year to allow pupils and teachers to know what is being worked towards; and**
- e) Liaise with Local Government, schools and other relevant bodies to bring this plan to fruition and thereby ensure a smooth exam season.**

~~This Council asserts that the vast inequalities of classroom based learning vs home learning make any traditional examination system fundamentally flawed and unfair. It is impossible to guarantee a level playing field for examinations in 2021. Furthermore, a three week examination delay announced by Government falls far short of addressing the anxieties and concerns of teachers, parents and most importantly, the pupils themselves.~~

~~It is therefore essential that the Government provides clarity for pupils and teachers now and not next month or next year. The fiasco of the summer examinations was hugely stressful for pupils and there must be no repeat of the confusion and anxiety caused by another Government last minute u turn.~~

~~This Council deplores the Government's unwillingness to listen to educators and learners whilst expecting them to work in such challenging circumstances.~~

~~This Council therefore calls upon the Government as a matter of urgency to:~~

- ~~e) cancel 2021 school examinations and move to a robust and transparent teacher assessment model;~~
- ~~d) liaise with Local Government and other relevant bodies to bring this to fruition.~~

Upon a vote being taken the Amendment was **Lost**.

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

Moved by Councillor L Hovvels, **Seconded** by Councillor J Robinson that:

The NHS Test and Trace was introduced on 28th May 2020 and is a cross - Government programme chaired by Baroness Dido Harding, reporting directly to the Prime Minister and the Cabinet Secretary. It was set up as a world beating system to ensure population level testing and contact tracing to enable people to be tested, traced and then isolated to slow the spread of coronavirus. Local Authorities were told by Government that the system would be fully operational by September as schools and then universities returned.

The NHS Test and Trace Tier 2 nationally employed call handlers, currently contact 83% of County Durham residents in the first 24 hours after testing positive for coronavirus. However only 57% of their close contacts are contacted. 17% of positive cases are therefore missed and are then being referred to the Public Health England Health Protection Team and subsequently the Local Authority Public Health Team. 43% of contacts are not reached at all.

The Local Authority has a responsibility to deliver a Local Outbreak Control Plan with testing, trace and isolate being key components of this plan. However, until NHS Test and Trace can fulfil the initial expectations set out by Government the Local Authority will remain unable to fully deliver this plan and fully protect the health of our residents. I call upon the Council to:

- express a vote of no confidence in NHS Test and Trace*
- write to the Secretary of State for Health and Care to express grave concerns at the failings of NHS Test and Trace and the impact it has had on local outbreak control arrangements*
- thank local Council staff who are managing cases due to the shortcomings of NHS Test and Trace*

An Amendment was **Moved** by Councillor R Bell, **Seconded** by Councillor A Bainbridge as follows:

Paragraphs 1-3 of the original motion remain unchanged. Amendments highlighted in bold as follows:

I call upon the Council to:

- **Require the Cabinet Portfolio holder for Adult and Health Services and the Director of Public Health to produce and publish a plan by the end of December 2020 showing the steps that need to be taken to improve the situation.***
- write to the Secretary of State for Health and Care to express grave concerns at the failings of NHS Test and Trace and the impact it has had on local outbreak control arrangements, **and request the changes that need to be made.***

- *thank local Council staff who are managing cases due to the shortcomings of NHS Test and Trace **and brief them on the new plan once available.***
- ***Urge the people of County Durham to comply with the requirements of the Test and Trace system.***

Upon a vote being taken the Amendment was **Lost**.

An Amendment was **Moved** by Councillor C Martin, **Seconded** by Councillor A Hopgood as follows:

Paragraphs 1-3 of the original motion remain unchanged. Amendments as follows:

I call upon the Council to:

- ~~*express a vote of no confidence in NHS Test and Trace*~~
- *write to the Secretary of State for Health and Care to express grave concerns at the failings of NHS Test and Trace and the impact it has had on local outbreak control arrangements*
- *thank local Council staff who are managing cases due to the shortcomings of NHS Test and Trace*

Councillor Hovvels, in response to the debate on her Motion, informed Council that she agreed to remove reference to the NHS in the first bullet point of her Motion, which would now read as follows:

- *express a vote of no confidence in Test and Trace*

Upon a vote being taken the Amendment was **Lost**.

The Head of Legal and Democratic Services advised Council that during the debate on the last amendment Councillor Hovvels had indicated that she would alter her Motion to remove reference to NHS in the first bullet point of her Motion. This was permissible under Council Procedure Rules which stated that where a Member wished to alter a Motion which had been moved and seconded required the consent of both the meeting and seconder and the meetings consent would be signified without discussion. Councillor J Robinson, as seconder to the Motion, indicated his consent to the removal of the reference to NHS in the first bullet point of the Motion. Council agreed that the substantive Motion was duly altered.

Following further debate Councillor Hovvels confirmed she agreed to remove reference to NHS in the second bullet point of her motion, which would read as follows:

- *write to the Secretary of State for Health and Care to express grave concerns at the failings of Test and Trace and the impact it has had on local outbreak control arrangements*

The Head of Legal and Democratic Services confirmed that the Substantive Motion to be voted on had been amended to remove reference to NHS in the first two bullet points.

Upon a vote being taken the Substantive Motion, as amended, was **Carried**.

At the conclusion of the meeting the Chair extended her best wishes for Christmas and the New Year.

20 January 2021



Report from the Cabinet

Purpose of the Report

To provide information to the Council on issues considered by the Cabinet at the meeting held on 16 December 2020 to enable Members to ask related questions.

Contents

December 2020

- Item 1 County Durham Plan: Minerals and Waste Development Plan Document and Parking and Accessibility Supplementary Planning Document
[Key Decision: REG/04/20]
- Item 2 Transport Asset Management Plan – Annual Update

1. **County Durham Plan: Minerals and Waste Development Plan Document and Parking and Accessibility Supplementary Planning Document [Key Decision: REG/04/20]
Cabinet Portfolio Holder – Cllr Carl Marshall
Contact - Mike Allum 03000 261 906**

We considered a report of the Corporate Director of Regeneration, Economy and Growth which sought approval to commence work on the Minerals and Waste Policies and Allocations Development Plan Document and the Parking and Accessibility Supplementary Planning Document together with the timetable for their preparation in a new Local Development Scheme. Both documents support the recently adopted County Durham Plan.

The Plan is a comprehensive document covering all aspects of planning however it only includes strategic policies and allocations relating to minerals and waste. There is a need to supplement those policies with more detailed development management policies and non-strategic site allocations. Once adopted, the Minerals and Waste Policies and Allocations Development Plan Document (M&WDPD) will replace the saved policies currently being used from

the Minerals Local Plan (2000) and Waste Local Plan (2005). In order to provide more detailed advice or guidance on policies in the County Durham Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. One SPD that is specifically mentioned in the County Durham Plan is the Parking and Accessibility SPD. It is therefore proposed to begin work on this SPD but there will be others prepared in the near future including Developer Contributions, Hot Food Takeaways, Accessible and Adaptable Homes and Design Principles SPDs.

Work will also be commencing on a number of development briefs and masterplans for many of the allocations in the Plan as well as an update to the Durham City Sustainable Transport Delivery Plan.

Decision

We agreed

- (a) the Local Development Scheme and delegated to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration, the power to add further Supplementary Planning Documents and their timetables when known;
- (b) the scoping letter for the Minerals and Waste Policies and Allocations Development Plan Document (DPD) and 'Call for Sites' document for consultation from 15 January to 26 February 2021. Agreed to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration, the power to agree the consultation draft DPD for a future consultation; and
- (c) the County Durham Parking and Accessibility Supplementary Planning Document Issues and Options document for consultation from 15 January to 26 February 2021. Agreed to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration, the power to make minor modifications to the document following consultation for a future second round of consultation.

**2. Transport Asset Management Plan – Annual Update
Cabinet Portfolio Holder – Cllr Brian Stephens
Contact – Brian Buckley 03000 268 166**

We considered a report of the Corporate Director of Neighbourhoods and Climate Change which provided an annual update on the Transport Asset Management Plan (TAMP).

The TAMP was set out in full in the appendices to the report, section one being the policy which set out the principles of TAMP, and, section two being an annual update report. The TAMP sets out the long-term plan for managing the highway asset so that the condition is maximised for the available budget. The report highlighted the substantial investment by the Council which had contributed to the reduction in the maintenance backlog over the past year.

Like most Highway Authorities, the Council has a highways maintenance backlog and faces considerable challenges to maintain the condition of the highway network. The TAMP demonstrates that work is progressing well in helping to maximise the condition of the highway for the available budget. The Council has been steadily increasing its own investment and has also been proactive in attracting considerable funding from the Department for Transport (DfT). The TAMP, together with the top efficiency rating will ensure that it is well placed to maximise the much needed funding from the DfT going forward.

Decision

We approved the annual update report and noted the substantial investment in programmed capital maintenance and the ongoing work to maximise funding going forward.

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County Council

20 January 2021

Members Parental Leave Policy



Report of Corporate Management Team

Paul Darby, Interim Corporate Director of Resources

**Councillor Andrea Patterson, Cabinet Portfolio Holder for
Corporate Services and Rural Issues**

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To consider the adoption of a Parental Leave Policy for Members, which will provide Members with an entitlement to maternity, paternity, shared parental and adoption leave.

Executive summary

- 2 The implementation of a Parental Leave Policy will ensure that all Councillors, regardless of the political party they represent, have appropriate support when having a child(ren).
- 3 The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption; that both parents are able to take appropriate parental leave; and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.
- 4 There is at present no legal right to parental leave for people in elected public office. However, it is recommended that the council implement a Parental Leave Policy for Members as 'good practice'.

Recommendation(s)

- 5 Council is recommended to:

- (a) Approve the adoption of the Policy attached at Appendix 2 and implementation of a Parental Leave Policy for Members which covers maternity, paternity, adoption, shared parental leave.

Background

- 6 At its meeting in September 2019, the council approved a motion committing to the implementation of a Parental Leave Policy for Members, which provides all Members with an entitlement to maternity, paternity, shared parental and adoption leave. The motion requested that Officers draft a policy for consideration at a later meeting of Council. A copy of the draft policy is attached at Appendix 2 of the report.
- 7 It is considered that improved provisions for new parents will help contribute towards increasing the diversity of gender, experience, age, and background of local authority groups.
- 8 A number of local authorities nationally have already adopted parental leave policies and procedures for their Members. Within the North East, Newcastle City Council and Sunderland City Council have adopted parental leave policies, implemented in January 2019 and November 2018 respectively.
- 9 The proposed Parental Leave Policy encompasses a range of support, including the entitlement to maternity leave, paternity leave, shared parental leave arrangements and adoption leave entitlement.
- 10 Members of the Independent Remuneration Panel considered the draft policy and commented as follows:
 - In learning that at the time the motion was passed by council, some councillors had shared their own experiences of parenthood whilst being a councillor, the Panel noted that the policy may encourage young people to take up the role of councillor;
 - In noting that the policy was not an increase in allowances, the Panel noted the commendable aims of the introduction of a policy and considered that it would expand the appeal of becoming a councillor; and
 - The Panel noted that the costs would be funded as a one-off from the Corporate Contingencies Fund and subsequently would be built into ongoing budgets if taken forward.
- 11 The Constitutional Working Group considered the proposed policy at its meeting on 10 December 2020. The group requested the policy include reference to the arrangements for single Member wards. These have been incorporated at section 5.5 of the policy.

- 12 The Constitutional Working Group also asked that consideration be given to providing support for Members who have caring responsibilities for those other than children. Such support falls outside of the Parental Leave Policy and will need to be considered separately.

The Parental Leave Policy

- 13 The draft Parental Leave Policy attached at Appendix 2 includes:
- Up to 6 months maternity leave or adoption leave from the due date or date of placement, with the option to extend up to 52 weeks by agreement, if required.
 - Entitlements in the event the baby is born prematurely (entitlement to take leave during the period between the date of birth and the due date in addition to the 6 month's period).
 - Entitlement of a minimum 2 weeks paternity leave following the birth/adoption.
 - Where both parents are Members; for the leave to be shared (up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter up to a maximum of 50 weeks).
- 14 Any Member who takes maternity, paternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.
- 15 Members intending to take leave under this policy should ensure they respond to reasonable requests for information as promptly as possible and adequately inform the council of intended leave dates, requests for extended leave and intended dates of return.
- 16 All Members will continue to receive their basic allowance in full whilst on maternity, paternity, or adoption leave.

Main implications

Single Member wards

- 17 The impact on single Member wards has been considered. The draft policy states that it will be the responsibility of the group leader to allocate another Member to undertake a 'caretaking' role, in consultation with the Head of Legal and Democratic Services. The

'caretaking' role will be allocated to a neighbouring divisional Member as far as possible.

- 18 If a Member is independent and not part of a group, the Head of Legal and Democratic Services will liaise with that member and any other independent Members as to who is best placed to take on the "caretaking" role.

Improved equality and diversity for Members

- 19 An initial equality impact screening has been completed and it is considered that the Parental Leave Policy will have a positive impact. It is hoped that improving provisions for new parents in elected office will contribute towards increasing the diversity of gender, experience, age, and background of local authority groups. A copy of the screening is attached at Appendix 3 to the report.

Member Allowances and Special Responsibility Allowances Scheme

- 20 All Members will continue to receive their basic allowance in full whilst on maternity, paternity, or adoption leave. This is a fair proposal for Members requiring time off to care for a child(ren) and supports the principles of equality and diversity within elected office. There is no significant impact upon allowances as Members would have been in receipt of the basic allowance during this period.
- 21 Members entitled to Special Responsibility Allowance shall also continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave, again supporting the council's equality and diversity agenda. Costs will be funded as a one-off from the Corporate Contingencies Budget.
- 22 If approved by Council, the Parental Leave Policy will form part of the Members Allowance Scheme going forward.

Conclusion

The draft Members Parental Leave Policy has been prepared following the motion passed in September 2019. The motion requested that a draft Policy be presented to a future meeting of Council. The draft Policy is attached at Appendix 2.

Background papers

- None

Other useful documents

- None

Author(s)

Kathryn Turner Tel: 03000 264473

Appendix 1: Implications

Legal Implications

There is no statutory requirement to implement a Parental Leave Policy, however the introduction of such a policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups.

Finance

Any in year costs associated with the implementation of the policy would be funded from the corporate contingencies budget.

Consultation

The policy has been drafted in response to a motion and debate at Council in September 2019, which resulted in a request for a policy to be brought forward for consideration by Council. The proposals contained in this report have been considered by the Independent Remuneration Panel and Constitution Working Group before being presented to Full Council for consideration and approval.

Equality and Diversity / Public Sector Equality Duty

The report outlines positive steps in promoting and supporting equality and diversity in elected office.

A Parental Leave Policy for Members is considered important in that improved provisions for new parents will likely contribute towards increasing the diversity of gender, experience, age, and background of local authority groups. An equality impact initial screening has been completed as part of this policy implementation and is attached at Appendix 3.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

Not applicable.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Members' Parental Leave Policy

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it. The Parental Leave Policy constitutes best practice and will be reviewed.

1. Leave Periods

Maternity Leave

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52-week entitlement.

Paternity Leave

- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth/adoption of their child(ren).

Shared Parental Leave

- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 1.6 Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

Adoption Leave

- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

Leave Arrangements

- 1.8 Any Member who takes maternity, shared parental or adoption leave is still required under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.
- 1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 1.10 Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep their Group Leader (if applicable) and Head of Legal and Democratic Services informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

- 2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

- 3.1 Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro-rata basis for the period of the temporary appointment.
- 3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months; or until the date of the next Annual General Meeting of the Council; or until the date when the Member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.
- 3.4 Should a Member appointed to replace the Member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
- 3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

- 4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and Special Responsibility Allowance if appropriate will cease from the Monday after the election date when they would technically leave office.

5. Practical Arrangements

- 5.1 A Member intending to take parental leave must in the first instance inform their group leader (if applicable) and the Head of Legal and Democratic Services in writing. Members are asked to provide notice of

their intention to take parental leave in accordance with the timescales set out below:

- (a) Pregnant Members should give notice by no later than 28 days before they want to commence their maternity leave. Confirmation of the pregnancy and the expected week of childbirth is usually via a MAT B1 certificate (a form given to a woman by their doctor or midwife after the 20th week of pregnancy and shows the expected date of childbirth). As soon as practicable after the birth they should notify the same of the baby's date of birth in writing.
 - (b) A Member who is a primary adopter should give notice within 7 days of being told they have been matched with a child and provide confirmation of the adoption through the provision of a matching certificate, and the date the child is to be placed with the Member.
 - (c) For paternity leave a Member should give notice by the 15th week before the Expected week of childbirth.
 - (d) A Member who is intending to take Shared parental leave must advise of their intention at least 8 weeks before.
- 5.2 Any Member taking leave for more than a 2-month period must meet with the Head of Legal and Democratic Services and Group Leader (if applicable) to discuss practical issues including how to keep in touch and about expected dates of return.
- 5.3 The Head of Legal and Democratic Services will ensure that business support and payroll are informed of arrangements to ensure that allowances are paid in accordance with the Policy.
- 5.4 Any requests for special or exceptional circumstances, or extensions in line with the policy will be agreed by the Head of legal and Democratic Services in consultation with the Leader of the Council, and the group leader (if applicable).
- 5.5 For single Member wards it will be the responsibility of the group leader to allocate another Member to undertake a 'caretaking' role, in consultation with the Head of Legal and Democratic Services. The 'caretaking' role will be allocated to a neighbouring divisional Member as far as possible. If a Member is independent and not part of a group, the Head of Legal and Democratic Services will liaise with that member and any other independent Members as to who is best placed to take on the "caretaking" role.

5.6 Appointments to cover areas of special responsibility whilst a Member is on parental leave will be made in accordance with the relevant procedures for appointments.

Appendix 3: Equality Impact Assessment – Screening

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have ‘due regard’ to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	People and Talent Management and Legal and Democratic Services
Lead Officer	Kathryn Turner
Title	Senior HR Officer
MTFP Reference (if relevant)	N/A
Cabinet Date (if relevant)	N/A
Start Date	01.01.2020
Review Date	Following each local election (following each new ‘term of office’) OR a development in legislation in this area.

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

To provide a Parental Leave policy for Members with a view of providing Members an entitlement to maternity, paternity, shared parental and adoption leave.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption; that both parents are able to take leave; and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

There is at present no legal right to parental leave for people in elected public office. However, it is recommended that the council implement a voluntary Parental Leave policy for Members as 'good practice'.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

Elected Members

Leaders of each political party

General Public within County Durham

Legal and Democratic Services

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact	Positive Impact
	Indicate: Y = Yes, N = No, ? = unsure	Indicate: Y = Yes, N = No, ? = unsure

Age	N	Y
Disability	N	N
Marriage and civil partnership (workplace only)	N	Y
Pregnancy and maternity	N	Y
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	N	Y
Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

No 'adverse' impact in relation to the implementation of this policy have been identified.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The implementation of a parental leave policy for members will provide members who are elected into public office with appropriate leave in relation to maternity, paternity adoption or other appropriate parenting responsibilities.

It is considered that access to such entitlements will likely contribute towards increasing the diversity of gender, experience, age, and background of those standing for election and local authority groups.

This will promote inclusion in our communities from the outset and role model the importance of an inclusive agenda within the council and across the county. It will hopefully contribute to the diversity/profile of the member group and contribute to the council's agenda as an employer; to be an inclusive and supportive employer. This also fits with policies that are similar and available to staff in relation to maternity, paternity, or adoption leave.

Providing people leave at this pivotal time will hopefully increase the number of females who may have been deterred from standing for election otherwise.

It also provides those members with special responsibility, who have demonstrated capabilities within their groups to hold responsibility for key areas of work, to take appropriate time off whilst retaining their special responsibility allowance during this period of leave.

All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

The evidence to support this finding is a mandate from the national Labour Group, and subsequently have recommended to all Labour Groups to adopt this policy as 'good practice' within their council groups.

The national research concluded:

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017. Of the seats that were up for election in 2018, 38% went to women, up just 3 percentage points on 2014 when these seats were last contested;
- That across England, Labour has improved its representation since seats were last up for grabs, with 45% women compared with 40% in 2014, Liberal Democrat representation up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;
- That as of the 2018 local elections, only 26 out of 119 Labour councils and only 33 out of 130 opposition Labour Groups are led by women;
- As of summer, 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;
- That the equalities section of the Labour Party Democracy Review mandates all Labour councils and Labour Groups to introduce a parental leave policy for to cover their group and their council as applicable;
- That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	N
No evidence of actual or potential impact on some/all of the protected characteristics?	

Sign Off

Lead officer sign off: 	Date: 31.01.2020
Service equality representative sign off: 	Date: 31.01.2020

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County Council

20 January 2021

Members Allowance Scheme 2021-22



Report of Corporate Management Team

Paul Darby, Corporate Director of Resources

Electoral division affected:

Countywide

Purpose of the Report

- 1 To advise Council of the outcome of the review of the Members' Allowances Scheme by the Independent Remuneration Panel and to ask Council to agree a scheme of allowances for 2021/22, taking into account the views of the Panel.

Executive summary

- 2 The Council is required to have a scheme which makes provision for the payment of allowances and expenses to elected members, and council is requested to consider the scheme attached at Appendix 4 for 2021/22.
- 3 When approving any changes to the scheme council must have regard to any recommendations of the Independent Remuneration Panel (IRP).
- 4 The IRP met in November 2020 and included in the report are its recommendations for council to consider. At its meeting on 8 January 2021, Constitution Working Group considered the Panel's recommendations and were not minded to support any change to the allowances scheme for the next financial year. The proposals in this report therefore are to retain a scheme in line with the current year.

Recommendation

- 5 Council is asked to consider the recommendations of the Independent Remuneration Panel for the Members' Allowances Scheme for 2021/22 and to determine whether the allowances scheme should be amended.

Background

- 6 All local authorities are required to have a scheme which makes provision for the payment of a range of allowances and expenses to elected members. Each local authority must appoint an Independent Remuneration Panel (IRP) to make representations on allowances, including the amounts payable. When approving any changes to its Scheme, the Council must have regard to the Panel's recommendations.
- 7 The last changes made to the Member Allowance Scheme were for the year 2014/15. At that time, the IRP recommended a 1% increase to the basic allowance. Council considered that recommendation and decided not to introduce an increase. However, when Council set its budget for 2014/15 it agreed to reduce the Members Mileage Allowance to 45p per mile in line with HMRC rate. This is the only change to the scheme since it was adopted in 2009, following Local Government Review.
- 8 The Council's Member's Allowance Scheme for 2020/21 was considered by the Panel in December 2019. The Panel took into consideration all of the information provided, and it agreed unanimously to recommend that there be no change to the allowance scheme for 2020/21.

In summary the reasons included:-

- As councillors were not employees of the council, it would not be appropriate to link the allowance they receive with the national living wage. The Regulations relating to allowances set out that an allowance is intended to reflect a time commitment and was not a salary. There is no breach of employment legislation. Some Councillors saw their role as full-time whereas others held jobs outside of the Council.
- The Panel noted that the basic allowance in Durham was higher than the average of the north east councils, and that it had been set by Council in 2010. It was set based on a lengthy set of discussions by the IRP at the time of Local Government Reorganisation, including interviews with councillors and information from the Local Government Association. The size of the unitary council, its population and geography together with having both urban and rural parts would impact on a councillors time and the issues raised.
- There was a lack of evidence to support payment of a special responsibility allowance to Cabinet Support Members. It was noted that this had been considered by the panel the previous year and it was agreed then not to make any changes;

- There was no widespread call from councillors for an increase and no evidence that the level of allowances was deterring candidates standing as councillors.

9 Council considered the IRPs reasons and recommendations at its meeting on 22 January 2020 and agreed that no changes would be made for the forthcoming year.

Independent Remuneration Panel

10 On 10 November 2020 the Panel met to consider the review of the allowances scheme for 2021/22. The Members of the Panel are Joyce Drummond-Hill, Alan Fletcher, Steve Lowthian, Ray Morris, and Ian Youll.

11 When reviewing the Members Allowance Scheme, it is helpful for the Panel to be aware of any changes to the Council's Committee Structures since the last review however this year there have been no changes.

12 The list of outside bodies in the appendices to the scheme have been reviewed and updated to reflect the appointments made following annual council.

13 In preparation for the review of the scheme by the Independent Remuneration Panel, elected Members were asked to express views or make submissions to be considered by the Panel, and the following responses were considered:-

- (i) One member had serious concerns that the Allowance has remained unchanged since 2010, a time in which there has been 35% inflation and considered this to imply that last year members were not worth the money. The member also considered it was inequitable that the post of Cabinet Support carries no remuneration. With elections due to take place in May, this year was an opportunity to set a realistic allowances level without members seeming to line their own pockets. The member suggested that the allowance be linked to a yardstick for the future, such as the CPI, or the officers' settlement.
- (ii) One member suggested that it would be appropriate for all Community Associations and Village Hall meetings to be included in Appendix D of the scheme and commented that they had been included until 2010.
- (iii) Three members commented that there should be no increase in the allowances paid.

14 In the past the Panel have found it helpful to be aware of any changes to allowances schemes for other councils. At its meeting the Panel had

been provided with the current rates of basic allowance that are paid by councils in the region to its members and which shows where changes were made to the basic allowances for 2020/21 (Appendix 2). There were also tables to show comparisons of basic allowances for unitary authorities of a similar population size to Durham (Appendix 3).

15 The Panel took into consideration all of the information provided, and the majority agreed to recommend an increase to the Basic Allowance for 2021/22 of 0.7% in line with the inflation as measured by the Consumer Price Index (CPI). Using this measure, the increase would change the basic allowance from £13,300 to £13,393 per annum. Comments from the Panel included:-

- If any recommendation was made by the Panel based on inflation, then this should only be on an annual rolling inflation basis since the last review and not an attempt to address backdated inflation of 35% which the Member feedback had referred to.
- There had been very little Member feedback to consultation with the majority considering there should be no increase in Basic Allowance for 2021/22. The current COVID-19 situation had resulted in added budgetary pressures for the Council and had also led to job losses in the wider economy.
- The majority of feedback received from Members showed there to be no appetite for an increase, previously recommended increases by the Panel had been rejected and it was not currently a good climate for an increase, however a recommended increase of 0.7% in line with CPI was considered easier to accept.
- An increase the Basic Allowance in line with CPI to recognise inflationary increases would avoid a continuing deficit.
- The Panel considered that inclusion of Community Associations and Village Hall meetings could result in an increased cost to the Members Allowances Scheme, given the potential number of Community Associations and Village Hall meetings. This was not considered appropriate given that Members did not serve as council appointed representatives.
- The Panel unanimously agreed that to capture all Village Hall and Community Associations would be an onerous task at a time when all staff were particularly busy and had the possibility of not capturing all Associations which may exist within the County. The Panel agreed there was no justification for their inclusion in Appendix D of the Members' Allowances Scheme.
- With reference to the feedback that there should be a Special Responsibility Allowance for Cabinet Support Members the Panel

maintained their views which had been expressed at their meeting on 3 December 2019 and agreed that this role should not attract a Special Responsibility Allowance.

Constitution Working Group

- 16 The Group met on 10 December and made the following observations and requests for further information prior to their re-consideration of the report on 8 January 2021.
- To include the cost per head with the comparison North East authorities
 - To check how authorities that have linked their allowances to NJC increases approve this, and whether they call an IRP meeting each year to consider allowances.
 - To consider further the inclusion or not of community association/village halls in the list of approved duties as there seemed some inconsistencies with the list of approved duties.
 - The group considered that it was not appropriate for members to determine their own allowances and that Council be asked to consider making representations to the Government to request that a different approach for Members allowances is introduced.
- 17 Further to the points raised in paragraph 16, the cost per head with the comparison North East authorities have been included in the chart at Appendix 2.
- 18 Where authorities identified that their allowances are linked to National Joint Council (NJC) it is understood that this is used as a guide as to the level of any increase. Authorities would still be required to agree its scheme for the succeeding year as increases linked to NJC are not automatically applied. Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel.
- 19 In relation to the list of outside bodies at Appendix 4 where attendance at a meeting allows the member to claim expenses, it is understood that following LGR a full review of the list of outside bodies that were provided by the former county council and district councils was undertaken, and the list updated accordingly. The outside bodies included in Appendix 4 have all requested representation from the County Council. If an outside body were to request representation from the Council, approval would be sought from the Council to include them within the Members Allowance Scheme.

- 20 The Constitution Working Group at its meeting on 8 January 2021 was minded not to support the increase, noting that it would be for council to determine.

Next Steps

- 21 Council is asked to consider and agree a scheme of allowances for 2021/22 taking into account the views of the Independent Remuneration Panel. The current scheme of allowances is appended to the report at Appendix 4. If the Council was to agree with the recommendations of the Panel, then the allowance scheme document as attached would be updated accordingly.

Background papers

The Local Authorities (Members' Allowances) (England) Regulations 2003

Contact: Paul Darby

Tel: 03000 261943

Appendix 1: Implications

Legal Implications

The Local Authorities (Members' Allowances) Regulations (England) Regulations 2003 (as amended) require the Council to review members allowances at least once every four years for the purpose of agreeing how it will index link its scheme of allowances. Before any amendments to the Scheme are made, the County Council must have regard to the recommendations made by the Independent Remuneration Panel (IRP) and determine whether and how these are implemented.

Finance

There are 126 members and a basic allowance of £13,300 is paid to each. There are also special responsibility allowances for members taking on additional responsibility for example, cabinet or chairing roles and these are set out in the scheme. Full details of the various allowances paid are included in Appendix 4.

Consultation

Members were invited to submit representations for consideration by the IRP. The views of the IRP, together with further benchmarking information has been considered by the Constitution Working Group.

Equality and Diversity / Public Sector Equality Duty

None specific within this report.

Climate Change

None specific within this report.

Human Rights

None specific within this report.

Crime and Disorder

None specific within this report.

Staffing

None specific within this report.

Accommodation

None specific within this report.

Risk

None specific within this report.

Procurement

None specific within this report.

Appendix 2: Basic Allowances- councils in the region

Authority	Basic Allowance per member 19/20 £	Basic Allowance per member 20/21 £	Cost of allowances scheme 2019/20 £	Population	Cost per head £	Basic Allowance per member 21/22 £
Darlington	8,188	8,188	589,454	106,800	5.52	TBD
Durham	13,300	13,300	2,020,520	530,100	3.81	TBD
Gateshead	10,977	11,279		202,055		Index linked to NJC increases- meeting of IRP to be 2021.
Hartlepool	8,107	8,107				Unknown
Middlesbrough	6,378	6,955				Previously years show Index linked to NJC increases – no response
Newcastle	9,000	9,200	923,826	302,820	3.05	IRP reports to Council in Feb each year. Not linked to NJC (CPI and RPI rates have been considerations previously).
North Tyneside	10,358	10,358	790,259	207,913	3.80	Index linked to NJC increases
Northumberland	14,379	14,774	1,348,474	319,030	4.23	Index linked to NJC increases- reviewed ad hoc as required.
Redcar and Cleveland	9,550	9,550 pending an increase linked to staff pay increases)	702,873.00	137,200	5.12	Process for 2021/22 to begin November 2020.
South Tyneside	7,667	7,667		150,976		Unknown

Authority	Basic Allowance per member 19/20 £	Basic Allowance per member 20/21 £	Cost of allowances scheme 2019/20 £	Population	Cost per head £	Basic Allowance per member 21/22 £
Stockton-on-Tees	9,300	9,300	697,771	196,487	3.55	Only reviewed by IRP if a request to do so.
Sunderland	8,369	8,369	1,117,306	277,700	4.02	TBD

Appendix 3: Basic Allowances- Comparisons with Unitary Authorities - Similar Population Size

	Durham	Cornwall	Wiltshire	Bristol
Number of Members	126	123	98	70
Cost of Allowances Scheme	£2,020,550	£2,187,090	£1,982,000	£1,220,978
Population	526,980	565,968	498,064	463,405
Basic Allowance	£13,300.00	£14,188.74	£13,463.00	£12,261.09
Cost per head	£3.83	£3.86	£3.98	£2.63

	Cheshire East	Leicester	Cheshire West and Cheshire
Number of Members	82	55	70
Cost of Allowances Scheme	£1,269,655	£1,038,696	£1,138,538
Population	380,790	355,218	340,502
Basic Allowance	£12,109.00	£10,555.99	£11,992.96
Cost per head	£3.33	£2.92	£3.34

DURHAM COUNTY COUNCIL

MEMBERS' HANDBOOK

AND

ALLOWANCES GUIDE

Allowances as at 1 April 2020

Preface

This booklet is intended to provide Councillors with a detailed guide to the rules governing the payment of allowances together with details of the amounts payable and the procedures to be followed in making claims, etc.

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1. Allowances Payable
2. Definition of Approved Duties
3. Claim Forms
4. Members Appointed to Other Bodies
5. Income Tax
6. Pensions
7. Insurance
8. Social Security
9. Sick Pay
10. Members' Surgeries

APPENDICES

- A Distribution of Special Responsibility Allowance
- B Ground rules for Travel and Subsistence
- C Travelling Allowances
Subsistence Allowances for Approved Duties
Travel Outside the United Kingdom
- D Schedule of Outside Organisations, attendance at which qualifies for Travel and Subsistence Allowances
- E Schedule of Outside Organisations which pay Travelling and Subsistence Allowances to Members
- F Schedule of Outside Organisations which pay Attendance Allowance to Members
- G Association of North East Councils Members' Allowances Scheme
- H North East Regional Employers' Organisation Scheme
- I LGA Members' Allowances Scheme
- J List of ABI approved insurance companies

1. ALLOWANCES PAYABLE

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require that an authority shall make a scheme in respect of the succeeding financial year on or before 31st March each year. The scheme may be amended at any time but may only be revoked with effect from the beginning of a year.
- 1.2 Under these regulations Councils are required to establish and maintain an independent remuneration panel to provide the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
- 1.3 The prescribed components of the County Council Scheme are as follows:

(a) Basic Allowance

- (i) Payable to each Member of the authority who is a County Councillor. Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a financial year the amount of basic allowance due is calculated as follows:

$$\frac{\text{Number of days in office}}{\text{Number of days in year}} \times \text{annual basic allowance}$$

- (ii) Basic Allowance is intended to recognise the time commitment of all Councillors, including such inevitable calls on their time as meeting with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes. The allowance is also intended to cover the cost of meals and other incidental expenses incurred within the region.
- (iii) The amount of allowance per Member as at 1st April 2019 is £13,300 per annum and is to be paid at £1108.33 per month.

(b) Special Responsibility Allowance

- (i) Payable to Members of the Council specified in the Scheme who have special responsibilities. Where a Councillor takes up or relinquishes any special responsibility otherwise than at the beginning or end of the financial year the amount of special responsibility allowance payable is calculated as follows:

$$\frac{\text{Number of days performing special responsibility}}{\text{Number of days in year}} \times \text{annual special responsibility allowance}$$

(ii) No Member can receive more than one Special Responsibility Allowance.

(iii) The amounts currently payable are shown in Appendix A.

(c) **Dependant Carers' Allowance**

- (i) A dependant carers' allowance is payable at a rate not exceeding £7.70 an hour to those Councillors who incur expenditure for the care of dependent relatives or children whilst undertaking approved duties. "Approved duties" are specified in the Regulations and are as follows:
- a. A meeting of the Executive;
 - b. A meeting of a committee of the Executive;
 - c. A meeting of the Authority;
 - d. A meeting of a committee or sub-committee of the authority;
 - e. A meeting of some other body to which the authority makes appointments or nominations; or
 - f. A meeting of a committee or sub-committee of a body to which the authority makes appointments or nominations;
 - g. A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee;
 - h. A meeting which has both been authorised by the authority, a committee, or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a sub-committee of a joint committee; and
 - i. to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups);
 - j. A meeting of a local authority association of which the authority is a member;
 - k. Duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

I. Duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996.

(ii) Payment is claimable in respect of children aged 16 or under and in respect of other dependants where there is medical or social work evidence that care is required. Evidence would take the form of a letter from a doctor or social worker stating the maximum time that the dependant could be left without care.

(iii) The allowance is paid against actual expenditure evidenced by receipts. The allowance is not payable to a member of the claimant's household. The maximum rate payable will be increased each April in line with the national minimum wage. (The hourly rate is paid in line with national minimum wage at age 21).

1.4 The amounts specified in paragraph 1.3(a) and Appendix A of this document are subject to an annual review by the Independent Remuneration Panel.

Foregoing Allowances

1.5 A member may, by notice in writing given to the Corporate Director of Resources, elect to forego any part of their entitlement to an allowance under this scheme.

Co-opted Members

1.6 Co-opted Members (including Parent Governor Representatives) are entitled to claim travelling allowance at the rates given in Appendix C. This allowance is taxable. A claim form should be completed and forwarded to the Committee Services contact as soon as practicable after the duty has been performed.

2. DEFINITION OF APPROVED DUTIES

Travelling and Subsistence Allowances

2.1 Payable in respect of expenditure incurred in the performance of approved duties. Subsistence allowance is not payable for duties performed within the boundaries of the counties of Durham (including Darlington) and Northumberland, and the former administrative counties of Tyne & Wear and Cleveland.

2.2 The definition of an approved duty is as follows:

- (a) A meeting of the County Council or of the Cabinet or of any committee, or sub-committee of the County Council, or of any body to which the County Council makes appointments or nominations, or of any committee or sub-committee of such a body.

A list of bodies covered by this paragraph is given in Appendix D.

A number of such bodies operate their own schemes of allowances. A list of these is given at Appendix F.

- (b) Any other meeting the holding of which is authorised by the County Council, a committee or sub-committee of the County Council, or a joint committee of the County Council and one or more other authorities, or a sub-committee of such a joint committee, provided that it is a meeting to which Members of at least two political groups have been invited.
- (c) A meeting of any association of authorities of which the County Council is a member.
- (d) The performance of any duty in connection with arrangements made by the County Council for the attendance of pupils at any school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996.
- (e) Any other duty approved by the County Council in connection with the discharge of the functions of the Council or of any of its committees or sub-committees including the making of official and courtesy visits on behalf of the authority. Tasks so approved are shown below:
 - (i) Attendance by County Councillors at County Hall to read official papers and deal with correspondence.
 - (ii) Attendance by chair and vice-chair of committees and sub-committees at pre-meeting discussions with officers.
 - (iii) Attendance at a meeting to which the Member is invited whether as chair, vice-chair or otherwise, by or on behalf of the Chief Executive, the Director of Resources or another chief officer to discuss matters or consider issues relating to the functions of the County Council, including meetings with third parties such as government departments, statutory bodies, other local authorities, trade unions and the public.
 - (iv) Attendance at press conferences to which the Member is invited by the Corporate Director, Resources in consultation with the appropriate chair or vice-chair.

- (v) Attendance by a Member at the request of the Local Government Ombudsman, for interview by an officer of the Ombudsman in relation to a complaint against the County Council.
- (vi) Attendance at a meeting with the appropriate officer(s) of any of the bodies listed in Appendix D to which the Member is invited by the body, or attendance at a meeting with third parties when representing the body by virtue of their position as chair or vice-chair of the body or one of its committees or sub-committees, the purpose of their attendance being to discuss matters arising for the purpose of or in connection with the functions of the body.
- (vii) Attendances at conferences or meetings held inside or outside the United Kingdom and convened by any person or body (other than a person or body convening it in the course of a trade or business or a body the objects of which are wholly or partly political) for the purpose of discussing matters which in their opinion relate to the interests of their area or any part of it or the interests of the inhabitants of their area or any part of it.
- (viii) Official openings of County Council establishments, Developments and Exhibitions at the invitation of the appropriate Chief Officer in consultation with the Leader or Deputy Leader of the County Council. This is intended to cover situations where Members are required to perform a duty such as perform an opening ceremony, make a speech, give prizes etc. Courtesy invitations issued to several or all Members are functions which do not qualify for payment. Members are advised to seek guidance from appropriate Chief Officers.

2.3 Invitations from groups or bodies to attend meetings as a Local Member are not approved duties for the payment of travelling and subsistence allowances. These duties are constituency matters not connected with the discharge of the functions of the County Council.

2.4 Details of the travelling and subsistence allowances currently payable are shown in Appendix C.

Travelling to conferences, seminars, etc.

2.5 Members who in their capacity as a County Councillor receive an invitation directly to a conference, seminar etc. should, if they wish to attend, contact Member Development on 03000 265 346 who will consult with the appropriate designated Member.

Payment of expenses of official and courtesy visits, etc.

- 2.6 Subject to paragraph 2.7 the County Council will pay the cost of any travelling or other expenses reasonably incurred by or on behalf of any members in making official and courtesy visits, whether inside or outside the United Kingdom, on behalf of the County Council.
- 2.7 In the case of a visit within the United Kingdom, the amount paid under this section in respect of the expenses of any member of the County Council shall not exceed the payments which they would have been entitled to receive by way of travelling allowance or subsistence allowance if the making of the visit had been an approved duty of that member.

Ground rules for travel

- 2.8 Ground rules for Members' Claims for Travel and Subsistence are set out in Appendix B.

Meals on Trains

- 2.9 Members may claim full reimbursement of the reasonable cost (including VAT) of a main meal (full breakfast, lunch or dinner) taken on a train. Members wishing to claim must submit receipts. Where full reimbursement is claimed the allowance for the meal provided cannot also be claimed, i.e. breakfast, lunch, dinner, etc.

Travel outside the United Kingdom

- 2.10 Members may claim for reimbursement of reasonable expenses incurred. Receipts for all expenses must be submitted with any claim, as set out in Appendix B.

Out of Pocket Expenses

- 2.11 Where the attendance fee for a course or conference includes accommodation and meals, an out-of-pocket expense allowance is payable in place of the normal subsistence allowances.
- 2.12 The current rates are set out in Appendix C.

Special Functions and Occasions

- 2.13 Elected Members on occasions are invited or feel it necessary to attend functions or occasions which have a social element. No allowances are paid to Members of the Council on these occasions unless the Member is undertaking the performance of a specific duty, e.g. making a speech or distributing prizes when travel and subsistence allowances may be paid. Courtesy invitations issued to several or all Members are functions which do not qualify for payments.

3. CLAIM FORMS

Completion

- 3.1 The attention of Members is drawn to the following points when completing a claim form:
- (a) The claim form must be completed and signed in ink.
 - (b) Full details/description of an approved duty must be given
 - (i) if the reason for claiming travelling or subsistence allowances is a qualifying meeting, the full title of the meeting should be given;
 - (ii) for conferences, seminars, etc., full details must be given, including names of any officers involved, conference title and location, etc;
 - (iii) VAT receipts for purchase of petrol should be attached to all claims

Submission

- 3.2 Payment of allowances is made monthly. All deadlines and payment dates are published in advance and are available to view on the Councillors page of the Intranet.
- 3.3 All travel and subsistence claims are paid along with any allowances direct into a bank/building society of your choice. There is no facility for cheque payment in relation to Allowances or claims.
- 3.4 The Local Authorities (Members' Allowances) (England) Regulations 2003 prescribe that claims **must** be submitted within two months of the date of the meeting for which the claim is made.

Advances

- 3.5 In exceptional cases, payment of an advance can be arranged via the Business Support Team on 03000 263 751

Avoidance of Duplication of Allowances

- 3.6 A councillor performing approved duties as a member of more than one body or becoming entitled to payments under any other legislation must ensure that only one claim is made for that duty.

Withholding Allowances

- 3.7 Where payment of any allowance has already been made in respect of any period during which the member concerned:-
- (a) ceases to be a member of the County Council, or
 - (b) is in any other way not entitled to receive the allowance in respect of that period, the County Council requires that such part of the allowance as relates to any such period be repaid to the County Council.

4. MEMBERS APPOINTED TO OTHER BODIES

Special arrangements apply to Members who are appointed to certain bodies, such as the Local Government Association, the North East Regional Employers' Organisation and the Association of North East Councils, which operate their own allowances schemes. Notes are attached in Appendices G to I which deal with the individual schemes. Attendance allowances payable under these schemes are in addition to the basic allowance from the County Council.

5. INCOME TAX

Tax is payable on basic allowances, special responsibility allowance, attendance allowance payable by other bodies, dependant's carers' allowance and co-optees' allowance. Her Majesty's Revenue & Customs (HMRC) is notified of all new Members. However, as Members' circumstances vary, and their tax may be dealt with at other HMRC offices, it is advisable for Members to make arrangements with their Tax Inspector for a tax code number to be allocated.

6. PENSIONS

With effect from the local elections in May 2017, no councillors have access to the Local Government Pension Scheme.

7. INSURANCE

The County Council has arranged travel insurance for its Members while travelling abroad on County Council business. Cover is provided for medical expenses, baggage, cash and personal public liability: details are available from the Insurance Officer on **(03000) 269 666**.

8. SOCIAL SECURITY

National Insurance Contributions

- 8.1 National Insurance contributions are payable on all basic allowances, special responsibility allowances, attendance allowances payable by other bodies, plus elements of mileage allowances, provided the aggregate amount of these allowances reaches a lower earnings limit (£118 per week or £512 per month) and the Member is under state pension age. Members who are state pension age – are not liable to pay National Insurance contributions provided confirmation is provided of their age in the form of a birth certificate or passport (originals only) which should be sighted by the Business Support Officer. Alternatively a certificate of non-liability could be supplied by the local office of the Department of Work and Pensions.
- 8.2 There is an annual maximum contribution liability for people with more than one job and, in some instances, Members in this position may be entitled to a refund of contributions; alternatively they may apply to the DWP to defer payment of contributions in their capacity as councillors.

Benefits

- 8.3 The National Insurance contributions paid by Members count towards the full range of contributory benefits, including statutory sick pay, state pensions, unemployment benefits, etc.

Advice

- 8.4 Advice on contributions and benefits can be obtained from the local office of the Department of Work and Pensions.

9. SICK PAY

Members who fall ill will receive their basic allowance and special responsibility allowance, as normal. As there is no deduction for being off sick, Statutory Sick Pay is not payable in addition to these allowances and it is not necessary to submit a self-certification of sickness form or a doctor's sick note when you are ill.

10. MEMBERS' SURGERIES

- 10.1 The County Council will pay the cost for one surgery per month. Invoices for room hire can be sent to Durham County Council for payment or alternatively can be reclaimed from Resources, Business Support on production of a receipt.

10.2 Please note that attendances at surgeries **DO NOT** qualify for travelling and subsistence, and other expenses such as advertising costs must be borne by the Members who incur them.

MEMBERS' ALLOWANCES

SPECIAL RESPONSIBILITY ALLOWANCE

Designation	Amount (£)
Chair of the County Council	6650
Vice-Chair of the County Council	3325
Leader of the County Council	36575
Deputy Leader of the County Council	19950
Cabinet Member (x8)	13300
Chair of Corporate Overview and Scrutiny Management Board	13300
Vice-Chair of Corporate Overview and Scrutiny Management Board	7980
Chair of Appeals and Complaints Committee	2660
Vice-Chair of Appeals and Complaints Committee	1330
Chair of Audit Committee	2660
Vice-Chair of Audit Committee	1330
Chair of Corporate Parenting Panel	2660
Vice-Chair of Corporate Parenting Panel	1330
Chair of Highways Committee	2660
Vice-Chair of Highways Committee	1330
Chair of General Licensing and Registration Committee	3325
Vice-Chair of General Licensing and Registration Committee	1662
Chair of Statutory Licensing Committee	3325
Vice-Chair of Statutory Licensing Committee x 2	1662
Chair of General Licensing and Registration Sub-Committee (1)	3325
Chair of General Licensing and Registration Sub-Committee (2)	3325
Chair of General Licensing and Registration Sub-Committee (3)	3325
Chair of County Planning Committee	3325
Vice-Chair of County Planning Committee	1662
Chair of Area Planning Committee (North Durham)	3325
Vice-Chair of Area Planning Committee (North Durham)	1662
Chair of Area Planning Committee (Central and East Durham)	3325
Vice-Chair of Area Planning Committee (Central and East Durham)	1662

DESIGNATION	£
Chair of Area Planning Committee (South and West)	3325
Vice-Chair of Area Planning Committee (South and West)	1662
Chair of Pension Fund Committee	2660
Vice-Chair of Pension Fund Committee	1330
Chair of Children and Young People's Scrutiny Committee	2660
Vice-Chair of Children and Young People's Scrutiny Committee	1330
Chair of Safer and Stronger Communities Scrutiny Committee	2660
Vice-Chair of Safer and Stronger Communities Scrutiny Committee	1330
Chair of Environment and Sustainable Communities Scrutiny Committee	2660
Vice-Chair of Environment and Sustainable Communities Scrutiny Committee	1330
Chair of Economy and Enterprise Scrutiny Committee	2660
Vice-Chair of Economy and Enterprise Scrutiny Committee	1330
Chair of Adults, Wellbeing and Health Scrutiny Committee	2660
Vice-Chair of Adults, Wellbeing and Health Scrutiny Committee	1330
Chair of Standards Committee	2660
Where an Opposition Group has 20% or more of the Council Members allowance is £6650, where Group has less than 20% membership allowance is £3325	
Leader of Opposition Group (Conservative)membership	3325
Leader of Opposition Group (Liberal Democrats) membership	3325
Leader of Opposition Group (Durham Independent Group) membership	3325
Leader of Opposition Group (DCC Independent Group) membership	3325
Leader of Opposition Group (Spennymoor Independent Group) membership	3325
Leader of Opposition Group (North East Party Group) membership	3325

**GROUNDRULES FOR MEMBERS' CLAIMS
FOR TRAVEL AND SUBSISTENCE**

1. Travel by Rail

Rail tickets should be requested from the Business Support Team in the Resources Service Grouping in advance of travel, as the Council's contract provides for a discount.

Members should either contact Members' Support who will liaise directly with Business Support on your behalf, or members can go direct to the Business Support Team.

Standard Class rail travel is the approved class of travel, although first class rail can sometimes be the cheaper option dependent upon the time of booking.

Members wishing to travel first class when it is not the cheapest option can choose to do so but will be required to pay the difference between that cost and the standard cost. The difference will be recovered by payroll deduction.

Tickets can be booked up to 3 months in advance of date of travel. Members should make their requests as far in advance as possible in order to maximise savings and should you have any special requirements to assist you with your journey please advise Members' Support or the Business Support Team at the time of the request.

Members eligible for a Senior Citizens Railcard or any other concessionary travel railcard and who may be required to travel as part of their duties are encouraged to buy one as this results in a further discount on the ticket cost. The cost of the railcard will be reimbursed upon receipt of your first claim for travel and subsistence.

2. Overnight Accommodation

Where it is considered that an overnight stay is required, then accommodation should be organised in advance by the Business Support Team.

Members should contact Members' Support who will liaise with Business Support to organise for you. Alternatively, please contact the Business Support Team direct who will also be able to satisfy any specific queries or special requirements which you may have.

Accommodation along with Breakfast and Evening meal, if required, will be booked and paid for in advance. Members should make their requests as far in advance as possible in order to achieve best prices and should you have any special requirements in relation to your booking please advise us at the time of the request.

Reimbursement for any additional meals purchased up to the maximum amounts detailed below i.e. breakfast, lunch, tea or evening meal can be claimed retrospectively (less any meals provided) on the production of receipts. Should it not be possible to obtain subsistence within these limits then actual costs can be claimed up to a reasonable amount in liaison with Business Support Manager and upon the production of receipts.

In exceptional circumstances an advance can be given to cover incidental subsistence/travel requirements i.e. lunch, evening meal, taxis, where it has not been possible to organise these prior to travel. Receipts should be retained to cover all advance expenditure and this can be reconciled on return.

Rates are set out below and also for reference shown on members' claim forms.

Allowance	Minimum absence from home	Rate £
Breakfast	2 hours which must be before 11.00am	6.75
Lunch	2 hours which must be between 12 noon and 2.00pm	9.27
Tea	3 hours which must include 3.00pm to 6.00pm	3.65
Evening Meal	3 hours which must be after 7.00pm	11.48

Nb. No reimbursement for alcohol purchased will be made – should this be included on your receipt it will be deducted from the amount claimed.

Whilst it is appreciated that most travel is planned and can be organised in advance there may be exceptional circumstances where Members may need to organise themselves. In such circumstances, retrospective claims for travel or accommodation will be paid when submitted on monthly claim forms and on the production of receipts.

The current rates are laid out below and are intended to cover the costs of accommodation and associated subsistence during a 24 hour period. However, it is also recognised that on occasion it may not be possible to obtain accommodation and subsistence within these limits and therefore higher amounts can be claimed up to a reasonable amount upon presentation of receipts. However only in exceptional circumstances should this be the case.

Overnight allowance		Rate £
London	Up to a maximum claim on production of receipts	£124.76
Outside London	Up to a maximum claim on production of receipts	£109.39

3. Travel by car as an alternative to Rail

As a general rule, journeys outside the locality should be undertaken by rail as this is usually the cheapest mode of travel for someone travelling alone.

The ability to get to a particular destination by rail needs to be taken into account. Where the venue for the meeting is some distance from the railway station, the advantages and disadvantages of alternative methods of travel should be considered. Where Members choose to travel by car on a journey that would be reasonable to travel by rail either mileage or the cost of the cheapest available rail fare will be paid, whichever is the cheaper.

4. Air Travel

The cost of travel by air shall not exceed the cost applicable to travel by appropriate alternative means of transport. Unless in circumstances where the saving in time is so substantial as to justify payment of the fare for travel by air.

All arrangements should be made by contacting Members' Support who will liaise with Business Support to organise for you. Alternatively, please contact the Business Support Team in relation to any specific queries or special requirements which you may have.

5. Travel outside the United Kingdom

The same procedure as shown above will apply.

MEMBERS' ALLOWANCES

Travelling Allowances

Travelling allowances are payable for journeys undertaken in the performance of official duties. The rates are as follows from 1 April 2019

1. The rate for travel by a Member's own private motor vehicle, or one belonging to a member of their family or otherwise provided for their use, will be paid at 45.0p a mile
2. The rate for travel by a hired motor vehicle, other than a taxi-cab or cab, shall not exceed the value of the claim which would have been applicable had the vehicle belonged to the Member who hired it.
3. The rate for travel by taxi-cab or cab shall not exceed:
 - in cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid (receipts should be obtained where possible);
 - in any other case, the amount of the fare for travel by appropriate public transport.

Motor Vehicle Insurance

Members are advised that when using their own vehicle for meetings they will be deemed to be using it on County Council business. It is therefore essential that vehicles should be adequately insured, and Members are therefore required to ensure that insurance covers business use as well as for the usual social, domestic and pleasure categories.

The Association of British Insurers provide a list of approved insurance companies which indemnify local authorities against all third party claims arising out of the use of their vehicle. A copy of the list is shown at Appendix J.

If a Member is covered for business use by a company not on the list, they should contact their insurer and arrange the necessary indemnity, which should be supplied in the form of a letter. An example is given in appendix J. Insurance companies not on this approved list, although they would insure for business use, would not cover injuries to a third party unless the necessary indemnity had been arranged.

Subsistence Allowances

Duties performed within the United Kingdom

When carrying out approved duties “Out of Region”, Members may claim up to the approved rates as follows on production of receipts:

1. For an absence not involving an absence overnight from the usual place of residence:

<i>Allowance</i>	<i>Minimum absence from home</i>	<i>Rate (£)</i>
Breakfast	2 hours which must be before 11.00	6.75
Lunch	2 hours which must include 12.00 to 14.00	9.27
Tea	3 hours which must include 15.00 to 18.00	3.65
Evening Meal	3 hours which must be after 19.00	11.48

Travel Outside the United Kingdom

Members may claim for reimbursement of reasonable expenses incurred. **Receipts for all expenses must be submitted with the claim**, as set out in Appendix B.

Out of Pocket Expenses

Where the attendance fee for a course or conference includes accommodation and meals, an out-of-pocket expense allowance is payable, as follows:

	£ per day
Courses or conferences within the UK	5.00
Courses or conferences overseas	18.00

the day of arrival and departure being counted as one day.

Taxable and Non-Taxable Mileage

From 6 April 2016, following a change in HMRC guidance, all mileage claimed for journeys from this date should be shown as non-taxable mileage.

MEMBERS' ALLOWANCES

Schedule of other bodies, attendance at meetings of which (subject to the approval of a committee or other body) entitles a County Councillor to claim travelling and subsistence allowance.

Outside Bodies**Name of Body**

Admissions Forum
 Annfield Plain Gleemen
 Association for Public Service Excellence
 Association of North East Councils – Collaborative Procurement Board
 Association of North East Councils - Leaders and Elected Members Board
 Association of North East Councils – North East Culture Partnership Board
 Association of North East Councils – Resources Task and Finish Group

Barnard Castle School Governing Body
 Beamish Museum Board
 Believe Housing Board
 Believe Housing Values Group
 Bishop Auckland Community Partnership (Four Clocks)
 Bishop Auckland Heritage Action Zone Advisory Group
 Bishop Auckland Heritage Action Zone
 Bowes Museum
 Bus Lane Adjudication Service Joint Committee
 Business Durham Advisory Board - Members

Castle Eden Dene Nature Joint Advisory Committee
 CDC Enterprise Agency
 Central Durham Joint Crematorium Committee
 Chapter Homes
 Charter Trustees for the City of Durham
 Chester le Street Unit of Sea Cadet Corps
 Chester Moor Village Scheme
 Children in Care Council
 Chilton and Windlestone Community College
 Citizens Advice County Durham
 Cong Burn Wood Nature Reserve Management Committee
 Consett Churches Detached Youth Project
 Cornforth Partnership
 County Councils Network
 County Councils Network - Executive Committee
 County Durham and Darlington Fire and Rescue Authority
 County Durham and Darlington NHS Foundation Trust Council of Governors
 County Durham Children and Families Partnership

County of Durham School Benevolent Fund
Coxhoe and Quarrington Hill Tarmac Quarries Liaison Committee

Derwent Valley Landscape Partnership- the Land of Oak and Iron in North East
England
Derwentside District Scout Council
Derwentside Enterprise Agency Board
Durham City Access for All
Durham Cricket CIC
Durham Darlington and Teesside, Hambleton, Richmondshire and Whitby STP Joint
Health Scrutiny Committee
Durham Heritage Coast Partnership
Durham Johnston Educational Foundation
Durham Tees Valley Airport
Durham Tees Valley Airport Consultative Committee
Durham Villages Regeneration Limited

Easington Colliery Regeneration Partnership
Easington Social Welfare Centre
East Durham Business Service
English Heritage - Historic Environment Local Management
Health and Wellbeing Board
Henry Smith's Charity
Horden Regeneration Partnership

Industrial Communities Alliance

Joint Health Overview and Scrutiny Committee of North East Local Authorities

Lanchester Bowling Club
Laurel Avenue Community Association
Local Access Forum
Local Government Association
Lord Crewe's Durham Educational Foundation - Representative Trustees

Middleton Plus Development Trust
Mountsett Crematorium Joint Committee

National Association of Councillors
National Railway Museum at Shildon
Newbiggin and District Village Hall Association
Newcastle International Airport Local Authority Holding Company Limited
Newcastle International Airport Consultative Committee
Newcastle International Airport Limited
NEWCO
North East Combined Authority- Audit and Standards Committee
North East Combined Authority- Economic Development and Regeneration Board
North East Combined Authority- Leadership Board
North East Combined Authority - Overview and Scrutiny Committee

North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Audit Committee
North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Committee
North East Combined Authority and North of Tyne Combined Authority - North East Joint Transport Overview and Scrutiny Committee
North East Disability Resource Centre
North East Local Enterprise Partnership
North East Purchasing Organisation
North Eastern Inshore Fisheries and Conservation Authority
North Eastern Regional Employers Organisation (NEREO)
North Eastern Regional Employers Organisation (NEREO) - Executive Committee
North of England Reserve Forces and Cadets Association
North Pennines AONB Partnership
North Regional Brass Band Trust
North Tees and Hartlepool NHS Foundation Trust Council of Governors
Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee
Northumbria Regional Flood and Coastal Committee

PATROL (Parking and Traffic Regulations outside London) Adjudication Joint Committee
Pelton Fell Community Partnership
Police and Crime Panel
Project Genesis

Roseberry Grange Golf Course Committee
Ruth First Educational Trust Executive Committee

Sacrison Community Development Group
Safe Durham Partnership
Standing Advisory Committee for Religious Education
Stanhope Hartwell Educational Foundation

Teesdale Development Company Limited
Teesdale Village Halls Consortium
The Bow Trust (Durham) Ltd
Thrislington Quarry Liaison Committee
Trimdon Community College Association

United Charities of Romaldkirk
Upper Teesdale Community Association

Visit County Durham

Wear Valley Women's Aid Limited
Weardale Open Air Swimming Pool Association
Witham Hall Limited
Witton Gilbert Educational Foundation (formerly Jane Finney Trust)

MEMBERS' ALLOWANCES

Schedule of outside organisations which pay travelling and subsistence allowances directly to Members for attendance at meetings convened by the organisation, subject to the Members' attendance having been authorised.

North East Regional Employers' Organisation
Committees
(for further details see Appendix H, paragraph 3)

MEMBERS' ALLOWANCES

Schedule of outside organisations which are recharged by the County Council in respect of attendance allowance paid to Members for attendance at meetings convened by the organisation, subject to the Members' attendance having been authorised.

Association of North East Councils
North East Regional Employers' Organisation

**ASSOCIATION OF NORTH EAST COUNCILS
MEMBERS' ALLOWANCES SCHEME**

1. Eligible Members

Those eligible for the ANEC scheme are representatives of member authorities at the meetings of the Association, Executive and Standing Committees and the Regional Assembly.

2. Approved Duties

For the purposes of the Association's scheme, approved duties include:

- attendance at meetings of the Association, Executive and Standing Committees and the Regional Assembly;
- duties carried out by Members as the Association's appointed representatives on any public body, charity, voluntary body or other body formed for a public purpose (and not for the personal benefit of its members) except where such remuneration would be prohibited by another enactment;
- attendance on behalf of the Association at briefing meetings, Chair's meetings and at meetings with Ministers, Government Departments or other bodies.

3. Rate of Allowance 2019/20

An allowance of £22.00 for a twenty-four hour period will be payable, irrespective of the number of duties undertaken.

Travelling and subsistence allowance in respect of attendance at the meetings outlined in paragraph 2 above will be reimbursed by the County Council.

4. Payment Arrangements

The County Council will meet the cost of attendance allowance initially with subsequent reimbursement from the Association.

The County Council is requested to submit invoices monthly, or for longer periods in arrears, to the Association. Each invoice should be supported by a schedule which sets out the following details:

- name of Association representative
- dates of approved duties
- detail of approved duties
- amount of claim

The County Council will be responsible for making the appropriate returns to the Her Majesty's Revenue & Customs (HMRC) and Department for Work and Pensions (DWP).

**NORTH EAST REGIONAL EMPLOYERS' ORGANISATION
MEMBERS' ALLOWANCES SCHEME**

1. Eligible Members

Those eligible for the North East Regional Employers' Organisation Scheme are representatives of member authorities at meetings of the full North East Regional Employers' Organisation, Councils and Committees.

2. Approved Duties

For the purposes of the Organisation's scheme, approved duties include attendance at meetings of the full North East Regional Employers' Organisation, Councils and Committees.

3. Rate of Allowance 2019/20

An allowance of £21.00 for a twenty-four hour period will be payable, irrespective of the number of duties undertaken.

Members who attend **ALL** meetings of North East Regional Employers' Organisation Committees will be reimbursed the necessary travelling and subsistence expenses, in cash, by the North East Regional Employers' Organisation.

Members who **DO NOT** attend **ALL** meetings of North East Regional Employers' Organisation Committees will be reimbursed travelling and subsistence allowances by the County Council.

4. Payment Arrangements

The County Council will meet the cost of attendance allowance initially with subsequent reimbursement from the Organisation.

The County Council is requested to submit invoices, in arrears, to the Association. Each invoice should be supported by a schedule which sets out the following details:

- name of Member
- date
- association/council/committee attended

The County Council will be responsible for making the appropriate returns to the Her Majesty's Revenue & Customs (HMRC) and Department for Work and Pensions (DWP)

LOCAL GOVERNMENT ASSOCIATION MEMBERS' ALLOWANCES SCHEME

Introduction

1. The Constitution of the Local Government Association empowers the LGA Executive to establish a scheme for payments to members attending meetings and other approved duties of the Local Government Association and in the light of independent advice to make payments to office holders of the Association and such other members as may be specified in recognition of duties carried out on the Association's behalf.

2. In June 1998, the Management Sub-Committee of the LGA appointed an Independent Panel to consider the existing arrangements and to establish a framework on which a suitable scheme for adoption by the Association could be based. The LGA accepted the principles on which the Panel's recommendations were based, and the recommendations themselves, and formally adopted the recommended scheme with the full support of all political parties represented on the Association.

3. The scheme has now been independently reviewed to reflect the changes to the member structure agreed by the General Assembly in July 2004. The proposed changes were agreed by the LGA Executive on 29 July 2004. The revised scheme is set out in the following paragraphs.

Key Features of the Scheme

- Members of all bodies listed in the Annex to the Scheme are paid an allowance reflecting both the time which might be spent and the level of responsibility involved in carrying out these posts (payments agreed by the LGA are set out below).
- The LGA does not pay Travel and Subsistence for attendance at its own meetings (i.e. Boards, Panels, Policy Review Groups, Task Groups), with the exception of the Chair, 2 Vice chair's and 4 Deputy Chair's of the Association; and the Chair's of the LGA Boards.
- The LGA does not pay Travel and Subsistence for General Assembly, conferences, seminars, etc. where members are representing their local authorities; and
- Allowances are index-linked to the principal local government pay settlement.

MOTOR CONFERENCE

Motor Conference

Motor Conference is the body that represents members of ABI transacting motor insurance business and the motor syndicates of Lloyd's Motor Underwriters Association (LMUA). Motor Conference is representative of some 98% of the motor insurance business transacted in the UK. Many of ABI's activities – for example, representations to Government – are carried out under the auspices of Motor Conference.

A number of undertakings have been given on behalf of all members of Motor Conference to various bodies e.g. Government Departments, local authorities and voluntary organisations. The undertakings allow an individual with motor insurance which includes use for personal business to use their own vehicle for the business of their employer. They also provide that the receipt of a mileage allowance will not constitute use for "hire or reward". This is to ensure that individuals in receipt of such an allowance continue to be covered under their insurance policy, notwithstanding any general exclusion of hire and reward use.

Please note that there may be a small number of insurance policies issued by certain insurers that are covered by the undertakings. To check whether any individual insurer not currently listed is a subscriber, contact motor@abi.org.uk

To check whether your insurer is a member of the Association of British Insurers please click this link

[Member directory ABI](#)

SAMPLE

Dear Sirs

Motor Policy No. _____

It is hereby declared and agreed that the policy, which permits the use of the vehicle by the Policyholder in person in connection with their business, shall be deemed to permit such use of the vehicle on the business of the employer and the receipt of an allowance from such employer for such use or in respect of the carriage by them of official passengers shall not be deemed for the purpose of the policy to constitute use hiring or for the carriage of passengers for hire or reward.

We will indemnify Durham County Council in the terms of the Third Party section of the Policy in respect of such use provided that:

- (a) this indemnity does not apply in connection with a vehicle belonging to Durham County Council
- (b) Durham County Council is not entitled to indemnity under any other policy
- (c) Durham County Council shall as though it were the Policyholder observe fulfil and be subject to the terms and exceptions and conditions of the Policy insofar as they can apply.

Yours faithfully

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County Council

20 January 2021



Independent Persons

Report of Corporate Management Team

**Paul Darby, Corporate Director of Resources and Helen Lynch,
Head of Legal & Democratic Services**

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To invite Council to consider the recruitment of the Independent Persons to take place prior to the expiry of the term of office of the existing Independent Persons on 21 September 2021.
- 2 The Council is also asked to consider a revision to the duration of the term of office of the Independent Persons for future appointments.

Executive summary

- 3 Durham County Council has two Independent Persons who are appointed in accordance with the Localism Act 2011. The Independent Persons were appointed in 2012 and their term was extended in November 2016 for a further four years.
- 4 The recruitment exercise for the appointment of Independent Persons was due to take place in advance of the expiry of the term of office with appointments to be approved by full Council. Following the cancellation of Council meetings in March 2020 due to the Covid-19 pandemic neither the Standards Committee or Council had the opportunity to consider or approve the recruitment of two Independent Persons in advance of the expiry of their term of office.
- 5 The Corporate Director of Resources, exercising the delegated power extended the term of office of the Independent Persons until 21 September 2021. This decision was taken in consultation with the Chair and Vice Chair of the Standards Committee as well as the Head of Legal & Democratic Services. The decision was reported at the full Council meeting on 21 October 2020.

- 6 Full Council is required to approve the appointment of the new Independent Persons prior to the expiry of the term of office of the existing Independent Persons on 21 September 2021.
- 7 In respect of the duration of the appointment, the Committee for the Standards of Public Life (CSPL) recommend having two Independent Persons who are appointed for a fixed term of two years and that they are only re-elected once. Council is asked to consider a revision to the local arrangements to reflect the recommendations of CSPL.

Recommendation

- 8 Council is recommended:
 - (a) To approve that a recruitment exercise be undertaken for the appointment of two Independent Persons and that this be conducted by the Head of Legal and Democratic Services (Monitoring Officer), the Deputy Monitoring Officer and the Chair of the Standards Committee; and
 - (b) To approve that the term of office and re-appointment of Independent Persons be brought in line with the recommendations of the Committee for Standards in Public Life to a two-year term of office which is limited to one re-appointment only; and
 - (c) To receive a further report in July 2021 following recruitment to appoint two new Independent Persons.

Background

- 9 The Localism Act 2011 sets out the requirements in relation to Local Government Standards and it requires the appointment by the authority of at least one Independent Person.
- 10 The functions of the Independent Person in relation to Standards are:
- They must be consulted by the authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect to that member.
 - They may be consulted by the authority in respect of a Standards complaint at any other stage and;
 - They may be consulted by a member or co-opted member of the Council or a parish council against whom the complaint has been made.
- 11 The role of the Independent Person was widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015 which came into force on 11 May 2015 and changed the localised disciplinary process. In the case of proposed disciplinary action against a statutory officer, the Council is required to invite the Independent Persons who have been appointed for the purposes of the Members Code of Conduct regime to form an independent panel and take into account any recommendation of that panel before taking a decision to discipline or dismiss.
- 12 On 9 December 2020 the Standards Committee received this report and agreed to present the recommendations shown at paragraph 8 above for approval by full Council.

Extension of Term of Office

- 13 In September 2012 Mr John Dixon Dawson and Mr Peter Jackson were appointed as Independent Persons for Durham County Council and their re-appointment was confirmed in November 2016 for a further four years to 21 September 2020.
- 14 The appointment of the Independent Persons would have been considered prior to the expiry of the term of office however following restrictions to minimise the spread of the Covid-19 outbreak meetings of the Council were suspended in March 2020.
- 15 As it was not possible to hold Standards Committee or Council meetings before the expiry of the term of office, a decision was taken by

the Corporate Director of Resources to extend the term of office of the Independent Persons to 21 September 2021. This decision was taken in consultation with the Chair and Vice Chair of the Standards Committee as well as the Head of Legal and Democratic Services. The decision was reported to full Council at its meeting on 21 October 2020.

- 16 The extension of the term of office ensured continued provision of the Independent Persons within County Durham who are experienced and suitably qualified. Both Independent Persons confirmed their willingness to continue in their role and have the term of office extended to the 21 September 2021.

Recruitment Process

- 17 The proposed recruitment for the Independent Persons will broadly follow the same process as adopted in 2012. The table below shows an indicative timeline for the recruitment process.

Advert for the appointment of Independent Persons placed in the local press and on the Council website.	1 February 2021
Closing date for applications and shortlisting	26 March 2021
Interviews conducted by the Head of Legal and Democratic Services (Monitoring Officer), the Deputy Monitoring Officer and the Chair of the Standards Committee	21 April 2021
Report to Council seeking approval of proposed appointments	July 2021
Report to Standards Committee confirming appointment	September 2021

Duration of Appointment

- 18 In accordance with the Localism Act 2011, there is no prescribed time limit on the length of appointment of an Independent Person. There is provision set out at section 28(7)(c) a person may not be appointed under the provision required by subsection (7) unless—

- (i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - (ii) the person has submitted an application to fill the vacancy to the authority, and
 - (iii) the person's appointment has been approved by a majority of the members of the authority.
- 19 The Committee for Standards in Public Life (CSPL) report on Ethical Standards in January 2019 recommended as good practice that each authority has two Independent Persons, which is reflected in the Council's existing arrangements.
- 20 The CSPL made a combination of recommendations, those which could be implemented as part of local arrangements (best practice recommendations) and others which were recommendations for government requiring changes to legislation. The CSPL recommended that there is a fixed term office for Independent Persons citing that security of tenure is important in order to protect Independent Persons from being removed from their role for unpopular advice or recommendations. Equally, however, restricted tenure can ensure that the Independent Person's judgement and independence is not compromised by a long period of involvement in a single authority.
- 21 The CSPL recommended that the Independent Persons should be appointed for a fixed term of two years, with the option of a single re-appointment. Whilst this change is recommended to be implemented through primary legislation, it is possible for local authorities to determine their own arrangements.
- 22 On 23 September 2015, Council agreed that the term of office for the Independent Persons should be set at four years from the time of appointment with no restrictions on reappointment.
- 23 It is timely now, just before a recruitment exercise is commenced to review the term of office. The Standards Committee on 9 December 2020 agreed to present to full Council the proposal to revise the term of office to reflect the recommendations of the CSPL as set out at paragraph 21.

Background papers

- <https://democracy.durham.gov.uk/ieDecisionDetails.aspx?ID=16139>

Other useful documents

- None

Author

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Appendix 1: Implications

Legal Implications

In accordance with the Localism Act 2011 there is a requirement to have an Independent Person in place. The existing and proposed arrangements reflect the requirements of the Localism Act 2011. The proposed amendment to the term of office reflects what is considered to be best practice by the Committee in Standards in Public Life.

The Corporate Director of Resources exercised the delegated authority under Part 3, Table 1, Paragraph 12 of the Officer Scheme of Delegation, to extend the appointment of the Independent Persons.

Finance

There were no additional costs incurred in respect of the extension of the term of office for the existing two Independent Persons. A recruitment exercise will involve costs in advertising and recruitment as well as subsequent training.

Consultation

There was consultation with the Chair and Vice Chair of the Standards Committee who were supportive of the extension to ensure that Durham continued to have Independent Persons who are experienced and suitability qualified. This extension was supported in recognition of the practical difficulties which would be presented in obtaining Council approval of the appointment of the Independent Persons whilst Council meetings were suspended.

The Standards Committee received this report at its meeting on 9 December 2020 and agreed the recommendations as shown at paragraph 8 within the report.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

County Council

20 January 2021

Annual Report of the Standards
Committee 2019/2020



Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To inform the Council of the work of the Standards Committee during 2019/2020 and to set out the future direction which the Committee will take during 2020/2021.

Executive summary

- 2 The Standards Committee has continued to promote the principles and values of good governance within the Council and across the County. The Members of the Standards Committee are committed and dedicated to ensuring that high standards of conduct are maintained by all local elected Members.
- 3 This report sets out the progress made by the Standards Committee in 2019/2020 in respect of code of conduct issues for the elected Members within County Durham.
- 4 This report also sets out the training provided to Members as well as the work programme of the Standards Committee to achieve the objective of promoting and maintaining high standards.

Recommendation

- 5 It is recommended that Council note the report.

Background

- 6 This report is presented to Council on an annual basis, whilst there is no legislative requirement for Standards Committees to produce an Annual Report, doing so is recognised as good practice. Not only does the report publicise the work of the Committee to the general public, it is also a means for the Authority itself to monitor the Committee's work.
- 7 Members will note that there has been a delay in presenting this report due to the disruption of the meeting timetable as a consequence of the Covid - 19 pandemic. The report covers the work of 2019/20 as well as a brief interim update on the work of 2020/2021 to provide assurance that the work of the Committee has continued to promote the principles and values of good governance across the County Council and Town and Parish Councils over the last few months into 2020/2021.
- 8 The annual report for 2020/2021 is scheduled to be presented to Council after June 2021 which will ensure that Council receives a timely update on the activity of the Standards Committee for the year.

Membership of the Standards Committee 2019/2020

- 9 The Standards Committee is comprised of 11 County Council Members and 2 Parish/Town Council as follows:

County Council Membership

Councillor B Kellett - Chairman

Councillor E Huntington - Vice Chairman

County Councillors - J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, J Nicholson, A Savory and D Stoker.

Parish and Town Council Representatives

Councillor Terry Batson is a consultant Arborist and a former Local Government Officer. Councillor Batson is also a Member of Tow Law Town Council.

Councillor Ralph Harrison is a former Member of Chester le Street District Council who continues to serve his local community as a Member of Sacriston Parish Council.

Independent Persons

- 10 Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process.

- 11 The functions of the Independent Persons are:
- a. They must be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member.
 - b. They may be consulted by the Authority in respect of a Standards complaint at any other stage and they may be consulted by a Member or a co-opted member.
- 12 In September 2012 the Council appointed the following persons:
- a. John Dixon Dawson. John is from Peterlee and is currently Head of Post Graduate Programmes at the University of Sunderland Business School. He has a career going back to 1986, which has involved various placements at universities in the North East, four years as a non-Executive Director at an NHS Trust and seven years as a Deputy Town Clerk.
 - b. Peter William Jackson. Peter is from Newton Hall and is retired. He was originally from the private sector having fulfilled the roles of Factory Manager, General Manager, Managing Director, Group Technical Executive and Sales Manager. He has also served on the Youth Employment Committee of the Council and the Police Consultative Committee for Durham County Council.
- 13 The Independent Persons were appointed for a four-year term with effect from 25 September 2016 and this is their second term of office.

Role of the Standards Committee

- 14 The Members of the Standards Committee have a common interest in that they believe in principled local politics and value their role as champions of high standards of conduct amongst local politicians.
- a) The Terms of Reference for the Committee are set out in the Council's Constitution as follows: promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;
 - b) assisting Members and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;

- c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
 - d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;
 - e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
 - f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
 - g) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
 - h) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;
 - i) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
 - j) overview of the Officers' Code of Conduct;
 - k) overview of the Protocol on Member/Officer Relations.
- 15 Each year the Standards Committee agrees a work programme, which reflects the Terms of Reference set out above.

Code of Conduct Complaints

- 16 In 2012, following the implementation of the Localism Act 2011 and associated changes to the Standards regime, the Monitoring Officer was appointed as the 'Proper Officer' to receive complaints of failure to comply with the Code of Conduct. The Monitoring Officer has delegated power, after consultation with the Independent Person, if appropriate, to determine whether a complaint merits formal investigation. Wherever practicable, the Monitoring Officer seeks resolution of complaints without formal investigation and she has discretion to refer decisions to a Standards Hearing where she feels that it is inappropriate for her to make the

decision. The Standards Committee receives a quarterly report on the discharge of this function.

- 17 During 2019/2020 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:

Year	1 April 2018 to 31 March 2019	1 April 2019 to 31 March 2020
Total no. of complaints received	96	49
Source of Complaints	Councillors 27 Members of the public 67 Parish/Town Council employee 2 Anonymous 0	Councillors 13 Members of the public 33 Parish/Town Council employee 2 Anonymous 1
Complaints against including withdrawn and rejected	County Councillors 13 Parish Councillors 30 Town Councillors 53 Dual-hatted 0	County Councillors 15 Parish Councillors 18 Town Councillors 16 Dual-hatted 0
Independent Persons Involved	The Independent Person was consulted in respect of 28 complaints.	The Independent Person was consulted in respect of 8 complaints. The Independent Person also attended the Standards Hearing Panel on 17 September 2019.
Outcomes	No Further Action 70 Local Resolution 10 Investigation 9 Withdrawn/Rejected 7	No Further Action 32 Local Resolution 8 Investigation (relating to multiple complaints) 1 Standards Committee

		Hearing Panel (relating to multiple complaints)	1
		Withdrawn/Rejected	13

- 18 There has been a reduction in the number of complaints received in 2019/2020 compared to the previous year. There has been a broadly even spread of complaints received from members of the public and Councillors which mirrors the previous year.
- 19 There has been a rise in the number of complaints which have been rejected on initial assessment or withdrawn prior to a decision being reached. In many instances a complaint has been rejected on the basis that it is evident that the Member was not acting in their capacity as a Councillor at the time of the alleged breach. This includes allegations relating to the employment of the Member, neighbour disputes and social media posts made in a personal capacity.

Work of the Standards Committee during 2019/2020

- 20 During the year the Committee met on four occasions. The Committee received updates on the current status of complaints and of the 'national picture' on Standards issues affecting Local Government.
- 21 As part of the Work Programme the Committee considered the report of the Committee for Standards in Public Life in relation to ethical standards. The report detailed a series of best practice recommendations which were considered by the Standards Committee as part of the Code of Conduct review in June 2019. Of the 15 best practice recommendations 13 were considered by the Committee to already in place.
- 22 The Standards Committee recommended for full Council approval an update to the Code of Conduct to fully implement the best practice recommendations which were to be considered at the Annual Meeting of Council in May 2020. It was not possible to hold this meeting because of the Covid-19 pandemic. It is anticipated that these changes will be presented to Council in March 2021 as part of the annual review of the constitution.
- 23 In addition to the review of the existing Code of Conduct and complaints procedure, the Committee considered a revision to the Employee Code of Values, Behaviours and Conduct in respect of Gifts and Hospitality. The review recommended a number of amendments to the Code by way of clarification to make it easier for employees to understand their

obligations in relation to Gifts and Hospitality. The recommendations of the Standards Committee were considered and approved by full Council on 4 December 2019.

- 24 The Standards Committee undertook a review of Member Code of Conduct on 'other relevant interests' which would allow Members with such an interest to speak but not vote on the relevant item of business. The Committee agreed to the change and this update was scheduled to be considered by full Council in May 2020 as part of the annual Constitution review. Again, it is anticipated that these changes will be presented to Council in March 2021.

Training and Development

- 25 The Monitoring Officer and Governance Solicitor in 2019/2020 delivered individual training to Members who have been subject to local resolution as well as those who have been newly elected as part of a member induction programme.
- 26 The Panel received a training session delivered by the Monitoring Officer and Governance Solicitor on how to conduct and manage Standards Hearing Panels.
- 27 On 17 February 2020, the Chair and Vice-Chair attended a training session on "Developments in Governance for Chairs and Vice-Chairs of Standards Committees and Independent Persons. The training included an update on the Local Government Association's work on a draft model Code of Conduct, which was led by Durham County Council's Monitoring Officer.

Moving Forward

- 28 The Standards Committee remains dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians.
- 29 The Committee has continued to progress its work programme for 2020/2021 throughout the pandemic. This has included considering the appointment of new Independent Persons and responding to the Local Government Association consultation on the Model Code of Conduct. The Committee continues to monitor progress following publication of Committee in Standards in Public Life's report on local government ethical standards. The work of the Committee will be covered in the

Annual Report for 2021/22 which will be presented to Council after June 2021.

Background Papers

- None

Further Information

- None

Contact: Kamila Coulson-Patel

Tel: 03000 269674

Appendix 1: Implications

Legal Implications

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles and to have in place arrangements under which allegations can be investigated and decisions made. The publication of an Annual Report aids the public understanding and awareness of the committee's work and demonstrates how the Council discharges its section 27 duty.

Finance

There are no financial implications arising out of the report.

Consultation

There are no consultation implications arising out of the report.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications arising out of the report.

Climate Change

There are no climate change implications arising out of the report.

Human Rights

There are no Human Rights implications arising out of the report.

Crime and Disorder

There are no Crime and Disorder implications arising out of the report.

Staffing

There are no staffing implications.

Accommodation

There are no accommodation implications.

Risk

There are no risk implications arising out of the report.

Procurement

There are no procurement implications.

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County Council

20 January 2021

**Report of the Audit Committee for the
Period September 2019 to August 2020**



Report of Audit Committee

Councillor Edward Bell, Chairman of the Audit Committee

Councillor James Rowlandson, Vice Chairman of the Audit Committee

Electoral division(s) affected:

None

Purpose of the Report

- 1 To inform Council of the work of the Audit Committee during the period September 2019 to August 2020 and how the Committee continues to provide good governance across the Council.

Executive summary

- 2 The Audit Committee has made a significant difference to the Council's governance, control and risk framework during the period by:
 - Striving to help support the Council deliver its objectives and priorities by being both a proactive and reactive body encouraging the early reporting of risk and control issues to ensure that appropriate and timely action is taken to address them;
 - Continuing to raise the profile of the Internal Audit, Corporate Fraud and Risk Management Service through the Service's reports to the Audit Committee;
 - Independent questioning and contributing to the development and control of the internal audit plan;
 - Seeking assurance of the effectiveness of corporate risk management arrangements;

- Improving the accountability of service managers to respond to outstanding internal audit reports and the implementation of agreed internal audit recommendations thereby helping to drive improvements in controls to manage risk effectively;
- Continuing to provide regular challenge and demanding accountability on the effectiveness of the implementation and operation of key systems both financial and non-financial;
- Challenging the level of internal audit resource and their work to ensure that the service is effective and delivers a reliable assurance opinion on the Council's control framework;
- Challenging how the Council responds to the risk of fraud and receiving information on the levels of detected fraud and the Council's continuing response;
- Championing the work of the Corporate Fraud Team;
- Receiving and commenting on the work of the external auditor, Mazars;
- Challenging how the Annual Governance Statement has been prepared, reviewing the assurance framework that is in place and that the Council's governance arrangements are effective.

Recommendation(s)

The Audit Committee is recommended to note the report and the work undertaken by the Audit Committee during the period September 2019 to August 2020.

Background

- 3 The role, membership and terms of reference of the Audit Committee are set out within the Constitution and approved by Council.
- 4 Good corporate governance requires independent and effective assurance processes to be in place to ensure effective financial management and reporting in order to achieve the Council's corporate and service objectives. It is the responsibility of the Audit Committee to undertake these aspects of governance on behalf of the Council.
- 5 The specific objectives of the Audit Committee set out in the Council's Constitution are to provide independent assurance to Cabinet and Full Council over the:
 - Adequacy and effectiveness of the Council's governance arrangements, including the effectiveness of the risk management framework and the associated control environment.
 - Financial Reporting of the Council's Statement of Accounts ensuring that any issues arising from the process of finalising, auditing and certifying the Council accounts are dealt with properly.

- 6 The membership of the Committee is currently comprised of the following members:

Chairman:	Cllr Edward Bell
Vice Chairman:	Cllr James Rowlandson
Members:	Cllr Colin Carr
	Cllr June Clark
	Cllr Bill Kellett
	Cllr Joan Nicholson
	Cllr John Robinson
	Cllr John Shuttleworth
	Cllr Owen Temple
Co-opted Members:	Mr Clive Robinson
	Mr Ian Rudd

Summary of Meetings

- 7 A summary of Committee business considered at the meetings that have been held during the period is provided at Appendix 2.

Contact: Stephen Carter

Tel: 03000 269665

Appendix 1: Implications

Legal Implications

There are no specific legal implications associated with this report. The Audit Committee contributes to the effective governance of the Council and provides relevant and appropriate challenge and oversight where necessary.

Finance

There are no specific financial implications associated with this report. The Audit Committee has a clear terms of reference and directly effects and assists in improving value for money obtained, the probity and propriety of financial administration, and / or the management of operational and strategic risks.

Consultation

Audit Committee and the Corporate Director of Resources.

Equality and Diversity / Public Sector Equality Duty

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

The Audit Committee provides an independent review of the Council's risk management framework and comments on its effectiveness.

Procurement

None.

Appendix 2: Summary of Meetings of the Audit Committee

30 September 2019

The Committee considered:

- (i) A report from the Occupational Health and Safety Manager which provided the annual report on health, safety and wellbeing (HSW) performance for 2018/19.
- (ii) A report from the Occupational Health and Safety Manager which provided an update on health, safety and wellbeing performance during Quarter 1 of 2019/20.
- (iii) The Committee heard a presentation from the Corporate Director of Children and Young People's Services which provided an update on the challenges faced by the service and pressures on the Children's Care, Special Educational Needs and Disability and Home to School Transport budgets together with work that had been carried out over the last 12 months in managing those budgets.
- (iv) The Council's external auditor, Mazars, presented the Annual Audit letter for 2018/19 to the Committee which included the overall messages from the audit work that they had completed, the challenges and areas of focus for the future and illustrated the fees for the work they had completed.
- (v) The Committee considered a report of the Chief Internal Auditor and Corporate Fraud Manager which informed members of the work carried out by Internal Audit during the period April to June 2019 as part of the 2019/20 Internal Audit Plan.

28 November 2019

- (i) The Committee heard a presentation from the Head of Corporate Property and Land which gave details of work being undertaken to bring all property related matters together within this new service area and with the aim of ensuring that all buildings were fit for purpose and in moving forward to look at what capital investments to make to improve the assets base.

- (ii) A presentation was given by the Head of Transformation which gave the Committee an overview of the Council's Transformation programme which include a renewed focus on Organisational Development, investment in digital systems, a programme of business processes and the modernisation of HQ and premises for a more efficient and effective Council.
- (iii) A report from the Occupational Health and Safety Manager which provided an update on health, safety and wellbeing performance during Quarter 2 of 2019/20
- (iv) A report of the External Auditor, Mazars, giving the Committee an update on their progress with regards to planning for the 2019/20 audit and updating the Committee on national issues and developments that were worthy of attention.
- (v) A report of the Corporate Director, Resources regarding changes to the Local Code of Corporate Governance.
- (vi) A report of the Corporate Director, Resources which highlighted the strategic risks facing the Council and that gave an insight into the work carried out by the Corporate Risk Management Group during June to September 2019. Members were informed of new risks, those that had been removed and the status of all current key risks.
- (vii) A report of the Chief Internal Auditor and Corporate Fraud Manager detailing to members the Counter Fraud work completed over the period April to September 2019 in order to protect the public purse.
- (viii) A report of the Chief Internal Auditor and Corporate Fraud Manager which informed members of the work carried out by Internal Audit during the period July to September 2019 and the assurance on the control environment provided.

27 February 2020

The Committee considered:

- (i) A report from the Occupational Health and Safety Manager which provided an update on health, safety and wellbeing performance for the period September to December 2019.
- (ii) A report of the Corporate Director of Resources which presented the Accounting Policies that the Council intends to have in place to prepare the 2019/20 financial statements.

- (iii) A report of the Corporate Director of Resources which detailed the timetable for the preparation of the Council's Final Accounts process for 2019/20 including the key milestones for the completion of the financial statements with the statutory deadline of 31 July 2020 having to be achieved.
- (iv) A report of the External Auditor, Mazars, presenting the Committee with the Audit Strategy Memorandum for the Council's Accounts for the year ending 31 March 2020. This detailed the auditor's scope, approach, timings and the proposed work to be completed.
- (v) A report of the External Auditor, Mazars, giving the Committee an update on their progress with regards to planning for the 2019/20 audit and updating the Committee on national issues and developments that were worthy of attention.
- (vi) A report of the Corporate Director of Resources informing the Committee of the key dates for the review of the Council's corporate governance which informs the Annual Governance Statement within the Statement of Accounts for the year ending 31 March 2020.
- (vii) A report of the Corporate Director of Resources which highlighted the strategic risks facing the Council and that gave an insight into the work carried out by the Corporate Risk Management Group during October to December 2019. Members were informed of new risks, those that had been removed and the status of all current key risks.
- (viii) A report of the Corporate Director of Resources which contained a revised version of the Risk Management Policy and Strategy.
- (ix) A report of the Corporate Director of Resources informing the Committee of the updated statement produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) on the role of the head of internal audit in public sector organisations.
- (x) A report of the Chief Internal Auditor and Corporate Fraud Manager presenting the emergent Internal Audit Plan for the year 2020/2021 for members comments and input. The report detailed the proposed direction and process for the development of the emergent Internal Audit Plan which would be discussed with Senior Management and brought back for the Committee's formal approval in May 2020.
- (xi) A report of the Chief Internal Auditor and Corporate Fraud Manager which informed members of the work carried out by Internal Audit during the period October to December 2019 and the assurance on the control environment provided.

29 May 2020

This meeting of the Committee was cancelled further to the onset in March 2020 of the Covid-19 pandemic and whilst a virtual meeting solution which had been made available through Government temporarily removing the legal requirement for local authorities to hold public meetings in person during the coronavirus pandemic was developed. Reports that usually would have been considered at this time were deferred until the Committee's next scheduled meeting on 29 June 2020.

29 June 2020

The Committee held its first virtual meeting where it considered:

- (i) A report of the Corporate Director of Resources that provided the Committee with an update on the management of risk by the Council in response to the Covid-19 pandemic.
- (ii) A report from the Occupational Health and Safety Manager which provided an update on health, safety and wellbeing performance for the period January to March 2020.
- (iii) A report of the Chief Internal Auditor and Corporate Fraud Manager which informed members of the work carried out by Internal Audit during the period January to March 2020 and the assurance on the control environment provided.
- (iv) A report of the Corporate Director of Resources assessing whether the Council can be considered a 'going concern' organisation and if the Council's accounts can be compiled on that basis. The assessment concluded that the County Council has a history of stable finance and ready access to financial resources in the future. It was also felt there are no significant financial, operating or other risks that would jeopardise the County Council's continuing operation and that the accounts could be prepared on this basis.
- (v) A report of the Chief Internal Auditor and Corporate Fraud Manager which presented the Committee with a review of the effectiveness of Internal Audit and assurance that it complies with Public Sector Internal Audit Standards (PSIAS). The review was carried out by way of a self-assessment. The review concluded that the service was compliant with the standards.
- (vi) A report of the Chief Internal Auditor and Corporate Fraud Manager detailing to members, the Counter Fraud work completed over the period April 2019 to March 2020 to protect the public purse.

- (vii) A report of the Chief Internal Auditor and Corporate Fraud Manager which presented the Annual Internal Audit Report for 2019/2020 that provided a 'moderate' opinion on the adequacy and effectiveness of the Council's control environment for 2019/2020.
- (viii) A report of the Chair that provided a response, sent on behalf of the Audit Committee, to a letter from the external auditors, relating to compliance with International Auditing Standards. This was a requirement of the final accounts process.
- (ix) A report of the Corporate Director of Resources that sought approval of the draft Annual Governance Statement to be published as part of the Council's audited Statement of Accounts 2019/2020.
- (x) A report of the Corporate Director of Resources which presented the draft un-audited Statement of Accounts for the year ended 31 March 2020. The Corporate Director, Resources confirmed that the draft accounts had been certified and provided to external audit within the statutory deadline which due to the impact of Covid-19 on local authorities had been extended from 31 May to 31 August 2020. The report identified that the deadline for publication of its final (audited) accounts had also moved from 31 July to 30 November 2020.
- (xi) A report of the Chief Internal Auditor and Corporate Fraud Manager relating to the Internal Audit Plan 2020/2021 which further to the onset of the Covid-19 pandemic had been reassessed as the control environment and risk profile of the Council had changed and continued to change alongside government guidance. As a result the report set out a proposed Six-Month Internal Audit Plan up to 30 September 2020. The report also included the Internal Audit Strategy and Charter for the coming year. Progress on delivering the plan will be regularly monitored by the Committee.

31 July 2020

This meeting of the Committee was cancelled further to the ongoing impact of the Covid-19 pandemic and extension to the deadline for publication of the Council's final (audited) accounts from 31 July 2020 to 30 November 2020. Reports that usually would have been considered at this time were deferred until the Committee's next scheduled meeting on 25 September 2020.