

Durham County Council

At an **Ordinary Meeting** of the County Council held in the **Council Chamber, County Hall, Durham** on **Wednesday 22 May 2024** at **10.00 a.m.**

Present:

Councillor J Nicholson in the Chair

Councillors M Abley, E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, K Batey, A Bell, C Bell, R Bell, C Bihari, J Blakey, D Boyes, D Brown, L Brown, J Cairns, J Chaplow, R Charlton-Lainé, J Charlton, J Clark, J Cosslett, B Coult, R Crute, M Currah, S Deinali, T Duffy, K Earley, J Elmer, K Fantarrow, L Fenwick, C Fletcher, D Freeman, J Griffiths, O Gunn, D Hall, C Hampson, D Haney, A Hanson, P Heaviside, T Henderson, S Henig, J Higgins, L A Holmes, C Hood, A Hopgood, L Hovvells, J Howey, C Hunt, G Hutchinson, M Johnson, N Jones, P Jopling, C Kay, B Kellett, C Lines, L Maddison, R Manchester, C Marshall, C Martin, E Mavin, L Mavin, B McAloon, S McDonnell, D McKenna, M McKeon, S McMahan, J Miller, B Moist, P Molloy, D Mulholland, D Nicholls, D Oliver, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, S Quinn, A Reed, G Richardson, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, J Scurfield, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, G Smith, T Smith, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, P Taylor, F Tinsley, S Townsend, E Waldock, M Walton, A Watson, J Watson, M Wilkes, M Wilson, S Wilson, D Wood, R Yorke and S Zair

Apologies for absence were received from Councillors G Binney, I Cochrane, K Hawley, D Howarth and C Varty

1 To elect a Chair for the ensuing year

Moved by Councillor A Shield, **Seconded** by Councillor M Wilkes and

Resolved:

That Councillor J Nicholson be elected to the Office of Chair of the Council for the ensuing year.

Councillor J Nicholson subscribed the Statutory Declaration accepting the Office.

Councillor J Nicholson in the Chair

2 Presentation to Retiring Chair

This item was withdrawn from the agenda.

3 To elect a Vice-Chair for the ensuing year

Moved by Councillor R Bell, **Seconded** by Councillor J Shuttleworth that Councillor P Jopling be elected Vice-Chair for the ensuing year.

4 Minutes

The minutes of the meeting held on 27 March 2024 were confirmed by the Council as a correct record and signed by the Chair.

5 Declarations of interest

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

6 Chair's Announcements

The Chair extended a warm welcome to Councillor June Clark, the recently elected Member for the Horden Division. June had served on the County Council previously from 2013 to 2021.

The Chair reminded Members that photographs would be taken throughout the course of meeting and that the Council photo would be taken in the council chamber at the conclusion of the meeting.

The Chair was pleased to announce that the Chair's charities for the forthcoming year would be the Tiny Lives and Friends Together (Crook).

The Chair reminded all Members of their obligations under the Code of Conduct and asked that all Members address each other in the correct manner during meetings and show respect at all times.

7 Leaders Announcement of Deputy Leader and Cabinet Members

Councillor Hopgood, Leader of the Council, informed Council that the Deputy Leader and Cabinet Members would remain unchanged from 2023/24.

8 Annual Review of the Constitution

The Council considered a report of the Director of Legal and Democratic Services which presented the Constitution, as updated following the annual review, for adoption by the Council.

Moved by Councillor A Hopgood, **Seconded** by Councillor C Marshall and

Resolved:

That the proposed changes to the Constitution be approved, to take immediate effect and the Director of Legal and Democratic Services make arrangements for the publication of the amended Constitution on the Council's website.

9 Appointment of Council Bodies and allocation of seats to Political Groups under Section 15 of the Local Government and Housing Act 1989

The Council considered a report of the Head of Legal and Democratic Services regarding the appointment of Council Bodies and Allocation of Seats to Political Groups under Sections 15 and 16 of the Local Government and Housing Act 1989 (for copy see file of Minutes).

Moved by Councillor Hopgood, **Seconded** by Councillor R Bell and

Resolved:

That the recommendations contained in the report be agreed.

10 To appoint Chairs and Vice-Chairs of the following Committees

Moved by Councillor T Duffy, **Seconded** by Councillor E Mavin that the list of nominations for Chair's and Vice-Chair be approved.

	Chair	Vice-Chair
Appeals and Complaints Committee	Councillor T Duffy	Councillor E Mavin
Audit Committee	Councillor A Watson	Councillor L Fenwick
Chief Officer Appointments Committee	Councillor A Hopgood	Councillor R Bell
Highways Committee	Councillor R Ormerod	Councillor G Hutchinson
General Licensing and Registration Committee	Councillor L Brown	Councillor R Potts
Statutory Licensing Committee	Councillor D Brown	Councillor J Griffiths Councillor L Mavin
General Licensing and Registration Sub-Committee's	Councillor D Brown (1) Councillor I McLean (2) Councillor J Blakey (3)	
Statutory Licensing Sub-Committee	Councillor D Brown (1) Councillor L Mavin (2) Councillor C Hampson (3)	

Standards Committee	Councillor K Rooney	Councillor T Stubbs
County Planning Committee	Councillor G Richardson	Councillor A Bell
Area Planning Committee (North)	Councillor E Peake	Councillor W Stelling
Area Planning Committee (Central and East)	Councillor D Freeman	Councillor D Oliver
Area Planning Committee (South and West)	Councillor J Quinn	Councillor A Savory
Pension Fund Committee	Councillor D Sutton-Lloyd	Councillor M Stead
Corporate Parenting Panel	Councillor M Simmons	Councillor M Walton
Overview and Scrutiny Committees		
Corporate Overview and Scrutiny Management Board	Councillor R Crute	Councillor C Lines
Adults, Wellbeing and Health Scrutiny Committee	Councillor V Andrews	Councillor M Johnson
Children and Young People's Scrutiny Committee	Councillor A Reed	Councillor C Hunt
Safer and Stronger Communities Scrutiny Committee	Councillor P Heaviside	Councillor J Charlton
Environment and Sustainable Communities Scrutiny Committee	Councillor B Coult	Councillor J Elmer
Economy and Enterprise Scrutiny Committee	Councillor S Zair	Councillor A Surtees

An **Amendment** to the list was **Moved** by Councillor P Sexton that Councillor B Moist be nominated for the position as Chair of Economy and Enterprise Overview and Scrutiny Committee. Councillor K Fantarrow **Seconded** the Amendment.

A request for a named vote was requested. Having secured the required number of Members' to request for a named vote, the names voting for and against the amendment were as follows:

For the Amendment

Councillors E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, K Batey, A Bell, C Bihari, D Boyes, J Chaplow, R Charlton-Lainé, J Clark, R Crute, S Deinali, K Earley, K Fantarrow, L Fenwick, C Fletcher, J Griffiths, O Gunn, D Hall, C Hampson, A Hanson, S Henig, J Higgins, L Hovvels, M Johnson, C Kay, B Kellett, R Manchester, C Marshall, D McKenna, M McKeon, S McMahan, J Miller, B Moist, D Mulholland, D Nicholls, P Pringle, J Purvis, S Quinn, J Scurfield, P Sexton, K Shaw, G

Smith, T Smith, A Surtees, P Taylor, S Townsend, E Waldock, J Watson, M Wilson, S Wilson, D Wood and R Yorke.

Against the Amendment

Councillors M Abley, R Bell, C Bell, J Blakey, D Brown, L Brown, J Cairns, J Charlton, J Cosslett, B Coult, M Currah, T Duffy, J Elmer, D Freeman, D Haney, P Heaviside, T Henderson, L Holmes, C Hood, A Hopgood, J Howey, C Hunt, G Hutchinson, N Jones, P Jopling, C Lines, L Maddison, C Martin, E Mavin, L Mavin, B McAloon, S McDonnell, P Molloy, J Nicholson, D Oliver, R Ormerod, E Peeke, R Potts, J Quinn, A Reed, G Richardson, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, A Shield, J Shuttleworth, M Simmons, A Simpson, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, D Sutton-Lloyd, M Walton, A Watson, M Wilkes and S Zair.

There were no abstentions.

The Amendment was **lost**.

Upon a further vote being taken it was

Resolved

That the Chairs and Vice-Chairs of Committee's and Sub-Committee's as circulated be agreed.

11 Appointments to Joint and Other Bodies 2024/25

The Council considered a report of the Head of Legal and Democratic Services which sought to agree the appointments process of Members to Joint and Other Bodies (for copy see file of Minutes).

The Leader of the Council **Moved** Recommendations 3 (a-d) and (f-h), **Seconded** by the Deputy Leader.

The Leader of the Council referred to Recommendation (c) and informed Council it was not proposed to appoint any additional Trustees to the Charter Trust as referred to in Paragraph 4 of Appendix 3.

The Leader of the Council **Moved** Recommendation 3 (e) and nominated Councillor A Watson as Chair of the County Council's Audit Committee to serve on the Joint Audit Committee. **Seconded** by the Deputy Leader.

Resolved:

That:

- (a) the allocation of seats on the County Durham Fire and Rescue Authority as detailed in Appendix 2 be agreed;
- (b) the allocation of seats to the Business Durham Advisory Board as set out in paragraph 4(b) to the report be agreed;
- (c) the allocation of seats on the Charter Trust as detailed in Appendix 3 be agreed;
- (d) the allocation of seats on the Police and Crime Panel as detailed in Appendix 4 be agreed;
- (e) that the Chair of the Audit Committee is nominated to serve on the Joint Audit Committee to assist the Durham Police and Crime Commissioner, and Chief Constable, noting the nomination is subject to approval of the Durham Police and Crime Commissioner be agreed;
- (f) the current arrangements for the North East Combined Authority, and the North East Combined Authority and authorise the Director of Legal and Democratic Services be authorised, in consultation with the appropriate Group Leader(s) to make appointments once the specifics of the determination of allocation to political groupings were advised to the council by the NECA secretariat.
- (g) authorise the Director of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), be authorised to make appointments to the other outside bodies to which the Council are invited to nominate, in accordance with the following criteria:-
 - (i) identify those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly.
 - (ii) identify local outside bodies from each electoral division and allocate those to local members. If there are more seats on an outside body than local members then the political balance would be applied. For those local bodies which are strategic in nature representation by a specific Cabinet Portfolio would be appropriate.
 - (iii) If a consensus on the allocation of seats to Members within the electoral division cannot be reached, should the division be represented by Members from different parties and agreement cannot be reached, the party with the largest

proportion of seats on the Council would be allocated the seat.

- (iv) the bodies which are not local to a particular electoral division, for example, those with a County or Regional remit, appointments be made in accordance with the overall political proportionality of the Council, except in the case of bodies providing services in one particular locality, in such circumstances the membership would be from that locality.
- (h) authorise the Director of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), be authorised to make any changes to memberships of the main outside bodies/ joint bodies approved by Council, which may become necessary during the course of 2024/25.

12 Appointment of Independent Members to the Audit Committee

The Council considered a report of the Corporate Director of Resources which sought approval on the appointment of co-opted Members to the Audit Committee (for copy see file of Minutes).

The Corporate Director of Resources outlined the appointments process that had been undertaken. Following the conclusion of the recruitment process the recommendations were for the Council to approve the appointment of three independent members to the Audit Committee, an increase of one, to provide increased resilience and ensure that as far as possible, at least two independent members would be in attendance at meetings of the Audit Committee.

The Chair of the Audit Committee, Councillor A Watson, confirmed both he and the Vice Chair, Councillor Fenwick had been fully involved in the recruitment process. Councillor Watson welcomed the input from the current independent members. Both Clive Robinson and Ian Rudd had served the Audit Committee with great distinction and contributed to the robust challenges and discussions, helping ensure that the councils internal controls, risk and financial governance arrangements were as they should be. He placed on record his thanks to both for their service to the Audit Committee over many years. Councillor Watson confirmed that there had been five candidates who had expressed an interest in the positions and following the interviews it was clear that there were three outstanding candidates. He went on to say that understandably, diaries did not always permit the two independent members to attend all meetings and in consultation with the Corporate Director and the Chief Internal Auditor, he fully supported increasing the appointments to three independent members.

In addition to the reappointment of Clive and Ian, Councillor Watson was confident that Francis Barnish would be a great addition to the Audit Committee and subject to Council endorsing these appointments he looked forward to working with all three members.

Councillor L Fenwick placed on record her thanks to Clive and Ian for their contributions to the Audit Committee and supported the recommendations.

In relation to increasing the Independent Members numbers to three, Councillor Fenwick explained that this would provide a greater likelihood that at least two Independent Members would be in attendance at all Audit Committee meetings, ensuring that we complied with best practice. Councillor Fenwick was sure that Francis Barnish would bring a lot to the Committee.

In seconding the recommendations, Councillor Fenwick placed on record her thanks to Tracy Henderson, Chief Internal Auditor and Corporate Fraud Manager who provided support with the appointment process.

Moved by Councillor A Watson, **Seconded** by Councillor L Fenwick and

Resolved:

- a) To formally record its thanks to Clive Robinson and Ian Rudd for their service to date as co-opted Independent Members to the Audit Committee since 2018.
- (b) To increase the co-opted Audit Committee membership from two to three members with effect from 1 May 2024.
- (c) Subject to the outcome of the Audit Committee meeting on 20 May 2024, to reappoint Clive Robinson and Ian Rudd and also appoint Francis Barnish as a new co-opted Independent Member to the Audit Committee with effect from 1 May 2024 with all three appointments being for a fixed term of three years.

13 Statement of Returning Officer - Horden by-election

The Council noted the Statement of the County Returning Officer which showed the name of the person elected to the Horden Electoral Division on 2 May 2024 (for copy see file of Minutes

14 Dates of Ordinary Council meetings for 2024/25

Resolved

That the dates of Ordinary meetings of the Council for 2024/25 be agreed as follows:

Wednesday 26 June 2024
Wednesday 17 July 2024
Wednesday 25 September 2024
Wednesday 23 October 2024
Wednesday 11 December 2024
Wednesday 22 January 2025
Wednesday 19 February 2025 (Budget and Council Tax Setting)
Wednesday 26 March 2025