

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 18 June 2014 at 10.00 a.m.**

Present:

Councillor J Robinson in the Chair

Councillors E Adam, J Alvey, L Armstrong, B Avery, A Batey, A Bell, E Bell, J Bell, R Bell, H Bennett, J Blakey (Vice-Chairman), G Bleasdale, A Bonner, D Boyes, J Brown, C Carr, J Chaplow, J Charlton, J Clare, J Clark, P Conway, J Cordon, K Corrigan, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, D Freeman, I Geldard, B Glass, B Graham, J Gray, O Gunn, S Guy, C Hampson, J Hart, K Henig, S Henig, D Hicks, J Hillary, A Hopgood, K Hopper, L Hovvells, O Johnson, A Laing, P Lawton, J Lee, J Lethbridge, R Lumsdon, L Marshall, N Martin, P May, J Measor, B Moir, A Napier, T Nearney, M Nicholls, H Nicholson, P Oliver, R Ormerod, T Pemberton, M Plews, C Potts, L Pounder, G Richardson, J Rowlandson, A Savory, K Shaw, M Simmons, T Smith, W Stelling, B Stephens, D Stoker, P Stradling, A Surtees, P Taylor, O Temple, K Thompson, R Todd, E Tomlinson, J Turnbull, A Watson, M Wilkes, M Williams, A Willis, C Wilson, S Wilson, R Young and S Zair

Apologies for absence were received from Councillors B Alderson, J Allen, B Armstrong, J Armstrong, D Bell, P Brookes, J Buckham, P Charlton, P Crathorne, D Hall, B Harrison, M Hodgson, G Holland, E Huntington, S Iveson, I Jewell, C Kay, H Liddle, J Maitland, C Marshall, J Maslin, P McCourt, O Milburn, S Morrison, A Patterson, S Robinson, A Shield, J Shuttleworth, M Simpson, L Taylor, A Turner and R Yorke

1 Minutes

The minutes of the meeting held on 21 May 2014 were confirmed by the Council as a correct record and signed by the Chairman.

2 Declarations of interest

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

3 Chairman's Announcements

(a) Queen's Birthday Honours

The Chairman reported that the Council's Corporate Director of Children and Adults Services, Rachael Shimmin had been awarded an OBE for Services to Social Care. Durham County Councillor, Councillor Anita Savory had been awarded an MBE for public and voluntary services to communities in Weardale and Wolsingham and the

Chief Constable of Durham Constabulary, Mike Barton, had been awarded the Queens Police Medal, in the Queen's Birthday Honours.

Resolved:

That the Council place on record its congratulations to Rachael Shimmin, Councillor Savory and Mike Barton on their honours.

(b) Charity fundraising

The Chairman announced and placed on record his congratulations to Councillor Laing who had raised £1020 for 'Help for Heroes', on the 21 May 2014. The Council expressed their appreciation for Councillor Laing and gave her a round of applause.

(c) Stanley School Bus Crash

The Chairman referred to the recent bus crash which occurred in Stanley. A joint letter from the Chairman and Vice-Chairman had been sent to staff and pupils of St Bede's, Lanchester and Tanfield School, expressing their best wishes. The Chairman also placed on record his appreciation for all the hard work of the emergency services involved in the incident which occurred on 3 June 2014.

(d) Conduct at meetings

For the benefit of those Councillors who had not been present at the annual meeting of the Council, the Chairman reminded the Council that, at the conclusion of meetings, all Councillors were to remain in the Chamber. This was to allow himself, the Vice-Chairman and Officers on the dais to exit the Chamber. Councillors would then be free to leave the Chamber. The Chairman also reminded Councillors that they should rise and address the Chairman when speaking.

4 Leader's Report

Councillor Henig provided the Council with an update report which included the following:

The County Council had already cut £110m from its annual budget in 2010 and would have to have to make similar cuts over the next three years. Recent presentations by the government had left the Council in no doubt that there would be worse times to follow. All services would need to be reviewed and the number of Council owned buildings would need to radically reduce. Expressions of interest from community groups to take over the running of facilities had already commenced. The Leader of the Council stated that the traditional model of service delivery, by a local authority, providing local services, was no more.

The Leader of the Council announced that the Council would continue to help residents wherever possible and highlighted that the governments 'bedroom tax' had impacted on 7,500 residents across County Durham. Discretionary payments and the Council Tax reduction scheme had helped to keep rent arrears down across the County.

The Welfare Assistance Scheme which helped the most vulnerable of residents had helped over 900 people in 2013/14, with around £365,000 worth of assistance.

The Council had also set aside £500,000 towards an employability scheme and the County Council would continue to assist residents through the austere times.

Two meetings of the Combined Authority had been held since its creation in mid-April. The Leader of the Council had been elected as Chair. The Authority had also met with the Rt. Hon. Gregg Clarke MP.

The Leader had visited the Hitachi site at Newton Aycliffe which he reported was progressing well.

The County Durham programme of events and festivals had commenced with the Bishop Auckland Food Festival and Pearl Izumi Tour Series. The next event would be the Streets of Brass Festival in Durham City.

5 Questions from the Public

A number of questions had been received from the public, briefly summarised as follows:-

- i. garage tenancies and rights in the East Durham area;
- ii. respite care for elderly carers;
- iii. voting on the closure of each home individually in the review of residential care services;
- iv. the County Council's justification with regard to the closure of Newtown House and how could the Council provide a comprehensive integrated health and social care solution close to people's homes in Weardale if residential care is missing from the equation;
- v. statements made by the Council regarding Newtown House;
- vi. the Overview and Scrutiny function and its exercise of its right to 'call in' a key decision;
- vii. the criteria used by the Council used for measuring how much importance was attached to the outcome of the public consultation regarding care homes;
- viii. the number of occasions in the recent past where the outcome of public consultation subsequently been clearly reflected in the decision taken by Durham County Council;
- ix. reconsideration of the Council's decision to close Newtown House;
- x. adequate care for the people of Weardale in Weardale;
- xi. rural proofing and the unique needs of the ageing population in the rural community of Weardale;
- xii. Have the County Council made a reasonable effort to ensure that Newtown House remains viable and remains open;
- xiii. human Rights and respect of the United Nations Principles on Rights of Older Persons with regard to a person's participation, self-fulfilment and dignity;

With reference to the first question, (regarding garages in the East Durham area). The gentleman was unable to attend the meeting and would receive a written response to his question following the meeting. Responses to the other questions were made by the relevant Cabinet Portfolio Holders.

The Head of Legal and Democratic Services informed the Council that all those who had submitted questions would receive a written response to their questions and both the questions and responses would be published on the Council's website, following the meeting.

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 the Cabinet at its meetings held on 16 April and 7 May 2014 (for copy see file of Minutes).

Councillor Martin referred to Item 14 of the Cabinet report (Non Residential Car Parking Standards) and queried why key users of parking spaces such as bicycle users or disabled users had not been consulted on the issue, given that they had a clear interest relating to the issue.

Councillor Foster explained that he would endeavour to provide an answer to Councillor Martin once he had investigated the issue and explained that the County Council had an excellent relationship with bicycle groups in the County.

8 Request for Dispensation

The Council considered a report of the Head of Legal and Democratic Services which sought a dispensation for County Councillor Joe Buckham (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that Councillor Buckham had been unable to attend any qualifying meetings since 23 January 2014 following a prolonged period of illness.

Moved by Councillor A Laing, **Seconded** by Councillor L Marshall and

Resolved

That a dispensation be granted to Councillor Buckham on the grounds of ill health.

9 Motions on Notice

In accordance with a Notice of Motion, it was **Moved** by Councillor A Savory, **Seconded** by Councillor R Bell:

This Council requests that the Cabinet reconsider their decision to close the residential care home facility at Newtown House in Stanhope, on the grounds of the geographical location and the lack of local alternative provision. Closure would violate the dignity of the elderly and cause severe hardship and suffering to both residents and their families.

In moving the motion, Councillor Savory commented that the strength of feeling was still so high amongst the people of Weardale and that Newtown House deserved special consideration given its excellent reputation and the significance, rural setting and its overall importance to Weardale.

Councillor Watson explained that there was a belief that Council's existed for people and had a duty to the taxpayer and added that Newtown House appeared fairly critical to the well-being of people and critical to the economy in Weardale. Councillor Watson queried why the Council had invested £190,000 in Newtown House over the last three years, if it knew it was going to earmark the home for closure. Councillor Watson explained that there appeared much confusion about the decision being possibly flawed and informed the Council that above all, the process had to be transparent.

Councillor Stelling informed the Council that the 'modernisation of care services for older people' began in 2001. This had appeared to have escalated into a home closure programme. Councillor Stelling commended everyone who had made a compelling case to keep Newtown House open and felt that the Council owed a duty of care to provide a service in the Weardale area.

In seconding the motion, Councillor R Bell questioned the rural proofing aspect of the decision and asked the Council to treat the rural west area as they did other parts of the County. The decision meant that there was no adequate local provision and families would end up having to make a much longer round visits.

Councillor Richardson commented that his Electoral Division bordered Weardale and the decision to close Newtown House had caused a lot of anxiety in the immediate and surrounding area.

Councillor Temple explained that no-one was in doubt that the Cabinet had made a very difficult decision but added that it would be a more difficult decision for the Cabinet to give due consideration to the representations that had been made and carefully consider the situation again, which presented a special individual case.

Councillor Wilkes referred to a response provided to one of the questions that 'local authorities should make all reasonable efforts to ensure care homes remain viable and stay open' and felt that 'reasonable' in this instance essentially put the Council at risk and explained that the right and proper course of action would be to reconsider the Cabinet's decision regarding the closure of Newtown House.

Councillor Napier explained that all decisions were looked at 'in the round' and affordability and sustainability. This applied to every single decision the Cabinet were being required to make in such austere times. Councillor Napier also referred to the future savings required by the Council in future years as outlined in the

Leader's report and given that the government appeared intent on continuing with public sector cuts, this would inevitably lead to the Council making more unpopular decisions.

Councillor Nicholls stated that the Cabinet report was not flawed and had been looked at through Scrutiny, in the correct and proper way. The decision was made by the Executive. Under such arrangements, executive decisions could not be taken by the full Council, therefore the decision had been made by Cabinet, which was subject to call-in, but had not been called in.

Councillor Nicholls also explained that it was one of the most difficult decisions he had been involved in since his election in 1981 and assured the Council that all of the matters raised in the motion were considered very carefully and nothing had changed since the decision had been made.

Councillor Hopgood clarified that the only issue discussed in Scrutiny was not the closure of the care homes, but the consultation process where around 94-96% of the consultation responses related to Newtown House.

A recorded vote was requested in accordance with Council Procedure Rule 16.4. The result of the vote was as follows:

For the motion (23)

Councillors A Bell, R Bell, J Charlton, D Freeman, D Hicks, A Hopgood N Martin, P May P Oliver, R Ormerod, G Richardson, J Rowlandson, A Savory, M Simmons, W Stelling, D Stoker, O Temple, K Thompson, A Watson, M Wilkes, A Willis, R Young and S Zair.

Against the motion (68)

Councillors E Adam, J Alvey, L Armstrong, A Batey, E Bell, J Bell, H Bennett, J Blakey, G Bleasdale, A Bonner, D Boyes, J Brown, C Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, K Corrigan, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, I Geldard, B Glass, B Graham, J Gray, O Gunn, S Guy, C Hampson, S Henig, K Henig, J Hillary, K Hopper, L Hovvells, O Johnson, A Laing, P Lawton, J Lee, J Lethbridge, R Lumsdon, L Marshall, J Measor, B Moir, A Napier, T Nearney, M Nicholls, H Nicholson, T Pemberton, M Plews, C Potts, L Pounder, J Robinson, K Shaw, T Smith, B Stephens, P Stradling, A Surtees, P Taylor, R Todd, E Tomlinson, J Turnbull, M Williams, C Wilson and S Wilson.

There were no abstentions.

The motion was **lost**.

10 Questions from Members

In accordance with paragraph 10.2 of the Council Procedure Rules, Councillor Wilkes asked the following question:

Is it the policy of this Council that dividends received from Durham Villages Regeneration Limited from income raised from house building in the former Durham City District Council area should as it always has been be spent within the Durham City area, where the revenues were generated in the first place, and if not, how would Cabinet members justify money being spent outside this area on housing investment especially given the fact that the Council's most recent quarterly report shows that the Council has failed to hit its own targets on house building in the Durham City area?

Councillor A Napier, Deputy Leader of the Council and Portfolio Holder for Finance thanked Councillor Wilkes for his question and responded as follows:

In terms of background, Durham Villages Regeneration Company Ltd was a joint venture between Keepmoat Homes and Durham County Council that was first established in 2001 as Durham Villages Regeneration Ltd between Keepmoat (formerly Haslam Homes) and the City of Durham Council.

It now operated with the Council identifying land for residential development and Keepmoat then providing the commercial development expertise to bring forward the house building. Full land value and a 50:50 share of development profit was received by the County Council.

In responding to Cllr Wilkes question, Councillor Napier emphasised three points:-

1. Firstly, the joint venture scheme had been working countywide for nearly five years. Following Local Government Reorganisation, the previous Durham Villages Regeneration model was re-evaluated and this led to an amendment to the Company's articles to enable it to work across the whole county rather than only within the city boundary. Councillor Napier quoted from the revised objects of the company (December 2009) which stated: "to do anything which is to achieve the promotion or improvement of the economic, social and environmental well-being of the areas, villages, neighbourhoods, localities and lands currently administered by Durham County Council." Since then various sites including sites at Spennymoor, Newton Aycliffe and Dipton had progressed through the planning system.
2. Secondly, the model had been established in very different financial times by the former City of Durham Council as a way of directing funding to some of its priority projects. The model had not operated in that way anywhere else in the county and last week, Cabinet agreed to honour the last two outstanding commitments made by the City Council before 2009. These were schemes in West Rainton and Sherburn Hill, which required the County Council to allocate £700,000 of dividend that they were due to receive from the Company, but these were the last two schemes. No further such commitments had been made since the Council became a unitary council in 2009. All of the capital receipts for land that the City of Durham Council had included in the joint venture between 2009 and 2012 had been used to offset a legacy £7.867 million loan that the City of Durham had borrowed from Keepmoat to fund the Freemans Quay development.

3. Thirdly, Durham Villages Regeneration developments no longer delivered locally ring-fenced funds. Instead, any impacts for individual communities were addressed through the Section 106 process - as they were consistently for all developments across the whole county.

In conclusion, the Council now had a countywide scheme offering valuable benefits to all areas. The Council had honoured the two City Council legacy commitments but once these were complete and paid for and a discrete fund for countywide housing regeneration formed, the County Council would use future dividend receipts to contribute to the Council's corporate financing as it would with any other income stream.

This meant that use of the Council's countywide land assets would directly contribute to addressing the unprecedented financial challenges that the Council was faced with, supporting the overall budget and allowing the Council to continue to focus resources on agreed priorities, wherever they may be in the county.