

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 1 April 2015 at 10.00 a.m.**

Present:

Councillor J Robinson in the Chair

Councillors E Adam, J Allen, B Armstrong, J Armstrong, L Armstrong, B Avery, A Batey, A Bell, D Bell, E Bell, R Bell, H Bennett, J Blakey (Vice-Chairman), G Bleasdale, A Bonner, P Brookes, J Brown, Carr, C Carr, J Chaplow, J Charlton, J Clare, J Clark, P Conway, K Corrigan, P Crathorne, R Crute, K Davidson, M Davinson, M Dixon, S Forster, N Foster, D Freeman, I Geldard, B Glass, B Graham, J Gray, O Gunn, C Hampson, J Hart, K Henig, S Henig, D Hicks, J Hillary, K Hopper, L Hovvels, E Huntington, S Iveson, I Jewell, O Johnson, A Laing, J Lee, J Lethbridge, R Lumsdon, J Maitland, N Martin, J Measor, O Milburn, B Moir, A Napier, T Nearney, M Nicholls, H Nicholson, P Oliver, R Ormerod, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, S Robinson, K Shaw, J Shuttleworth, M Simmons, H Smith, M Stanton, W Stelling, B Stephens, D Stoker, P Stradling, A Surtees, L Taylor, P Taylor, O Temple, K Thompson, R Todd, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, M Williams, A Willis, C Wilson and R Young

Apologies for absence were received from Councillors J Alvey, J Bell, D Boyes, J Cordon, K Dearden, D Hall, M Hodgson, G Holland, A Hopgood, C Kay, P Lawton, H Liddle, C Marshall, L Marshall, J Maslin, P May, S Morrison, G Richardson, J Rowlandson, A Savory, A Shield, M Simpson, T Smith, S Wilson, R Yorke and S Zair

Prior to the commencement of the business, the Chairman of the Council formally reported the deaths of former Chief Fire Officer of County Durham and Darlington Fire and Rescue Brigade , Mr Alf Thompson and the Mayor of Shildon's consort, Patricia Nicholson.

The Council stood for a moments silence as a mark of respect.

1 Minutes

The minutes of the meeting held on 25 February 2015 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

The Chairman reported the following to Council:

- Thanks to those involved in the Bake Sale held prior to the meeting the proceeds of which were in aid of the Chairman's Charity
- Letters of condolence had been sent to the Ambassadors of France, Germany and Spain following the crash of Flight 4U9525
- He was to meet with Trevor Bankhead to thank him for his assistance in the search for Euan Coulthard
- The Local Government Association Culture, Tourism and Sport Annual Conference had been held in Durham on 3 and 4 March and had proved to be a good showcase for the County and the Chairman thanked those involved in hosting the conference
- The North of England Brass Band Championships had taken place on 14 and 15 March at the Gala Theatre in Durham. It was a significant achievement to bring the Championships to Durham and the Chairman thanked Councillor N Foster for his work in achieving this.
- Stanley had hosted the International Series and the British Isles Series Bowls Championships
- Students from Durham Johnston Comprehensive School had successfully taken part in the regional European Youth Parliament United Kingdom debate at Durham University and would now be representing the School, and the region, at the National European Youth Parliament hosted by Liverpool Hope University in July.

The Chairman then thanked retiring Councillors Buckham, Guy, Harrison and McCourt.

Councillor Henig, Leader of the Council also thanked Councillors Buckham, Guy and McCourt for their service to communities and also Councillor Harrison for her many years of service.

Councillor R Bell, Leader of the Conservative Group thanked Councillor Harrison, who had been elected to Teesdale District Council in 2003 and then came onto the Unitary Authority in 2009, for her many years of service to communities.

4 Leader's Report

The Leader of the Council provided an update to the Council, summarised as follows:

- He had chaired a number of meetings with stakeholders over the last couple of weeks to discuss proposals for greater devolution to the North East region. The meetings, which were held in each of the 7 local authority areas of the North East Combined Authority, had discussed the devolution prospectus which contained 12 key 'asks' for the region, these being as follows:
 - A North East Investment Fund
 - Enhanced responsibilities for the delivery of European Funding

- Government guarantee to deliver the existing City Deals
- A Housing Investment Fund and devolution of North East assets
- Investment in the region's major transport infrastructure
- The creation of an integrated public transport system for the North East
- Support to secure and enhance international connectivity
- A fully devolved Work Programme
- Devolution of skills funding
- New powers to help North East business to grow
- Powers and funding to support the region's vibrant culture and visitor economy
- An integrated approach to public service delivery

The slides used in the presentations had been circulated to all Members of the Council. The event held in Durham had attracted over 100 attendees and the Leader thanked all attendees and officers for their input to the Durham event. Feedback from the events was now being collated to enable discussions to be held with government.

- The LGA Culture, Tourism and Sport Annual Conference held in Durham on 3 and 4 March had attracted over 150 delegates, including the Chairmen of the Magna Carta 800th Committee, Arts Council England, VisitEngland and English Heritage.
- He had met with the new Chinese Consul General in Manchester at County Hall.

Councillor R Bell asked whether it was proposed the Combined Authority with increased devolved powers would maintain its current operational model or whether an elected mayor model had been considered. The Leader replied that the devolution prospectus made no mention of governance structures, as this could be seen as a distraction, but concentrated on functions and powers. There was a debate to be had about the future governance structure and the meetings held on devolution had received various views from both across the region and different political viewpoints.

5 Questions from the Public

Questions had been received as follows:

- From Mr K Robson, Vice-Chair of Greater Aycliffe Residents Association on plans to reduce lighting on the A167, and
- From Mr S Ashfield on the Freeman's Quay Pool Review consultation.

Both Mr Robson and Mr Ashfield were in attendance to ask their questions and received responses from Councillor Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships and Councillor Plews, Cabinet Portfolio Holder for Leisure. Libraries and Lifelong Learning.

The Head of Legal and Democratic Services informed the Council that Mr Robson and Mr Ashfield would receive written responses to their questions and both the questions and responses would be published on the Council's website.

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 meeting held at Green Lane, Spennymoor on 18 March 2015 (for copy see file of Minutes).

8 Council Plan and Service Plans 2015-2018

The Council considered a report of the Assistant Chief Executive which sought approval of the Council Plan 2015-2018 (for copy see file of Minutes).

Councillor Wilkes referred to the Altogether Greener objective within the Plan and particularly the objective to deliver a cleaner, more attractive and sustainable environment. There were concerns from a number of people within the County that the draft County Durham Plan would fail to meet this objective if it was put forward without amendment. Councillor Henig replied that while Councillor Wilkes was entitled to his own views, the draft County Durham Plan had received no objections from Natural England or the Environment Agency with only one outstanding objection from English Heritage relating to one particular site.

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

Resolved:

That the recommendation contained in the report be approved.

9 The adoption of a Street Trading Policy

The Council considered a report of the Corporate Director Neighbourhood Services which recommended the adoption of a Council policy on street trading (for copy see file of Minutes).

In **Moving** the report Councillor Carr informed the Council that the Policy would harmonise a consistent County approach which would be fair and proportionate. Councillor Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships **Seconded** the report and thanked the General Licensing and Registration Committee for their work.

Councillor Martin informed the Council that he had hoped the Policy would provide some ability to control busking in Durham, however this was not specifically mentioned, although the Policy did make reference to mobile street artists on designated pitches. When he had raised the issue of busking in Durham a couple of years ago he had been told it would be addressed. He asked why the Policy had failed to do this and sought a commitment that the issue would be addressed.

The Corporate Director, Neighbourhood Services replied that the Policy had been considered and approved by the General Licensing and Registration Committee on 15 January 2015 when the issue of busking had not been raised. If buskers were causing a nuisance or disturbance then this could be dealt with using anti-social behaviour legislation and this had been done on previous occasions. The General Licensing and Registration Committee could consider busking specifically in the future should it decide to do so.

Councillor R Bell referred to paragraph 13 on page 104 regarding certain aspects of UK street trading legislation being not wholly consistent with European legislation. The Provision of Services directive allowed for free and market forces to prevail however, for example, UK legislation allowed for the restriction of goods sold via street trading if they conflicted with nearby retailers. Councillor Bell informed Council that this could create a problem where street trading conflicted with nearby established traders and asked whether these could be restricted on competition grounds. The Head of Legal and Democratic Services replied that while European legislation applied in England there were incidents where UK law did not align with European law and in such cases procedures were changed to comply with European law.

Resolved:

That the recommendation contained in the report be approved.

10 Changes to the Constitution - Delegations to the Corporate Director, Children and Adults Services

The Council considered a report of the Head of Legal and Democratic Services that proposed amendments to Article 16 (The Health and Wellbeing Board) of the Constitution and to the Delegations to the Corporate Director, Children and Adults Services (for copy see file of Minutes).

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

Resolved:

That the recommendation contained in the report be approved.

11 Report of the Audit Committee for the Period June 2014 to November 2014

The Council noted a report from the Audit Committee which detailed the work undertaken by the Committee during the period June 2014 to November 2014 (for copy see file of Minutes).

Councillor E Bell, Chairman of the Audit Committee, reported as follows:

The report covered the work of the Audit Committee during the period June 2014 to November 2014.

The Committee had been together for nearly two years and continued to work well as Members became more comfortable with their roles.

There were three key areas of the Committee's work that Councillor Bell particularly drew Council's attention to:

The Annual Internal Audit Plan

In June last year the Committee agreed a revised version of the Internal Audit Strategy, Charter and Annual Plan from the Chief Internal Auditor and Corporate Fraud Manager.

The Committee challenged and supported the work that had been proposed and agreed the work programme for the coming year.

The most significant change had been the change in audit year back to April to March which was in line with the Council's financial year and would help support the work of the external auditor.

The Statement of Accounts

Last November the Audit Committee received the Annual Audit letter from Mazars, the Council's external auditor.

This was the second financial year Mazars had completed and external audit on the following:

- The Council's Financial Statements
- The Pension Fund's Financial Statements, and
- An assessment of the Council's Value for Money arrangements.

It was very pleasing to receive an unqualified opinion on both sets of financial statements for the County Council and the pension Fund. The External Auditors also concluded

"against the backdrop of the continued unprecedented change and challenges of recent years, that the Council has maintained proper arrangements for securing value for money in its use of resources during the year"

Establishment of the Council's Corporate Fraud Team

The Chief Internal Auditor and Corporate Fraud Manager gave a presentation to the Committee on the work planned and being completed in terms of proactive fraud work following the transfer of benefit fraud employees from Revenues and benefits into Internal Audit.

The presentation also covered how the team carried out their work and the techniques that were used in identifying potential fraud and irregularity.

12 Motions on Notice

There were no motions for consideration.

13 Questions from Members

Councillor M Wilkes

In relation to the County Plan shambles the Cabinet Member for Regeneration and Economic Development is quoted in the Northern Echo last week as saying “there is every reason to believe we can find a resolution to this matter by working with the Planning Inspectorate and Government”

The Cabinet Member fails to make any reference to working with County Councillors, residents or environmental groups.

What right does this Cabinet Member have to ignore local views and seek government interference in the planning process to the detriment of County Durham residents and the wider environment?

Councillor Henig, Leader of the Council thanked Councillor Wilkes for his question. He reassured Councillor Wilkes that the Council would continue to work with all Members, residents and interested groups to move the Plan forward. However, the Council had been put in a position by the Planning Inspectorate which meant that the opinions the Council could chose to move the Plan forward depended very much on the Planning Inspectorate’s views and processes. Council representatives were meeting with the Planning Inspectorate on 2 April and this would hopefully be the start of a dialogue to provide a way forward,

From research carried out, the Inspector’s response to the Plan was unprecedented, for example on job creation numbers. The Council needed to fully understand the Planning Inspectorate’s application of National Planning Policy and be able to express its views about the interpretation of that Policy and the process that had got the Council to where it was. Once the Council was in a position to proceed it would ensure that all of those that had been involved were informed of the way forward and how they could take part.

The Leader referred to numerous letters of support the Council had received in opposition to the Inspector’s interim report and read out a letter of support from Lanchester Parish Council.

Councillor Foster, Cabinet Portfolio Holder for Regeneration and Economic Development added that the County Durham Plan was a strategy for the whole of the County and he believed that Councillor Wilkes would find that the democratic process and the local views were being respected with regard to the Council’s commitment to finding a solution to the current situation.

The Plan had been subject to significant consultation and had been endorsed by both the Cabinet and full Council. In terms of the environment the Plan had no outstanding objections from Natural England and the Environment Agency, and only one objection on one site from English Heritage. At each stage of the Plan over 100 events were held to ensure that everyone had the opportunity to contribute to the Plan, including residents groups, Town and Parish Councils and in areas where concerned residents had requested events.

The Council believed that there were fundamental issues with the way in which the examination had concluded and in order to rectify these the Council needed the support of Government and the Inspectorate. The Government had recognised that the ambition for County Durham as set out in the plan was right. Businesses also believed that the region needed a strong Durham which could deliver on this ambition to the benefit of the residents of the County and the rest of the north-east.

Councillor Wilkes stated that there was a difference between carrying out consultation and listening adding there was a need for the Council to listen to consultation responses and act on these. He felt that the Council was attempting to get the Plan back to what it wanted and more weight was being given to the views of developers than residents. He asked the Leader of the Council to acknowledge that the views of residents mattered more than those of developers, that these views would be listened to and a more sustainable Plan be produced.

The Leader of the Council replied that he had already acknowledged what Councillor Wilkes had asked at the start of his previous reply. However, there was a need to remember that the County Durham Plan covered all of the County rather than Members single ward areas.

The Chairman reminded Council that a seminar on the County Durham Plan was to be held on 16 April 2015, which all Members would be invited to attend.