



Local Government Act 1972

I Hereby Give You Notice that an **Ordinary Meeting** of the **Durham County Council** will be held in the **Council Chamber, County Hall, Durham** on **Wednesday 17 June 2015 at 10.00 a.m.** to transact the following business:-

1. To confirm the minutes of the meeting held on 20 May 2015 (Pages 1 - 12)
2. To receive any declarations of interest from Members
3. Chairman's Announcements
4. Leader's Report
5. Questions from Area Action Partnerships
6. Questions from the Public
7. Petitions
8. Report from the Cabinet (Pages 13 - 22)
9. Community Governance Review of Pelton and Newfield - Report of Head of Legal and Democratic Services (Pages 23 - 32)
10. Changes to the Constitution - Compliance with New Regulations for the dismissal of senior officers - Report of Head of Legal and Democratic Services (Pages 33 - 44)
11. Motions on Notice

Councillor M Wilkes to Move

The Human Rights Act enshrines a number of fundamental rights and freedoms that individuals can access.

Council believes these fundamental rights & freedoms are crucial for a fair, free & democratic society & that everyone in

County Durham and across UK is entitled to have these rights respected, even when we disagree with their beliefs or actions.

Council further notes that, at a time when we are honouring those who fought in the Second World War and the purpose for which so many lost their lives defending our liberty and freedoms, we reject the Government's proposal to repeal the Human Rights Act and withdraw from the European court of human rights in Strasbourg.

Council therefore resolves to:-

- 1. Reject the intentions of the current Government to repeal the Human Rights Act & replace it with a bill of rights.*
- 2. To write to the Home Secretary & the Justice Secretary to express opposition to any attempt to repeal this Act.*

12. Questions from Members

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

Dated this 9th day of June 2015



Colette Longbottom
Head of Legal and Democratic Services

To: All Members of the County Council

DURHAM COUNTY COUNCIL

At the Annual Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 20 May 2015 at 10.00 a.m.**

Present:

Councillor J Robinson in the Chair.

Councillors E Adam, J Allen, J Alvey, B Armstrong, J Armstrong, L Armstrong, A Batey, E Bell, J Bell, R Bell, H Bennett, J Blakey (Vice-Chairman), G Bleasdale, A Bonner, D Boyes, P Brookes, J Brown, C Carr, J Carr, J Charlton, J Clare, J Clark, P Conway, J Cordon, K Corrigan, P Crathorne, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, I Geldard, B Glass, B Graham, J Gray, O Gunn, C Hampson, J Hart, T Henderson, K Henig, S Henig, D Hicks, J Hillary, M Hodgson, G Holland, A Hopgood, K Hopper, L Hovvels, E Huntington, S Iveson, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, J Lindsay, J Maitland, C Marshall, L Marshall, O Milburn, B Moir, S Morrison, A Napier, M Nicholls, H Nicholson, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, G Richardson, J Rowlandson, A Savory, K Shaw, A Shield, J Shuttleworth, M Simmons, H Smith, M Stanton, B Stephens, D Stoker, P Stradling, A Surtees, L Taylor, P Taylor, O Temple, F Tinsley, E Tomlinson, J Turnbull, A Watson, M Wilkes, M Williams, A Willis, C Wilson, R Yorke and R Young

Apologies for absence were received from Councillors B Avery, A Bell, D Bell, J Chaplow, D Freeman, D Hall, C Kay, H Liddle, R Lumsdon, N Martin, J Maslin, P May, J Measor, T Nearney, P Oliver, R Ormerod, S Robinson, M Simpson, T Smith, W Stelling, K Thompson, R Todd, A Turner, S Wilson and S Zair

Prior to the commencement of business the Chairman formally reported the deaths of:

- former Durham County Councillor and Alderman, Alan Barker who represented the Easington Electoral Division on the County Council between 2003-2008 and again between 2010-2013;
- former Wear Valley District Councillor and Durham County Councillor, John Ferguson who represented the West Auckland Electoral Division on the County Council between 1993 to 1997. John was also a serving Member of West Auckland Parish Council;
- former Easington District Councillor and Horden Parish Councillor, George Patterson who represented the Horden North Ward on the District Council prior to Local Government Reorganisation. George had a keen interest and passion regarding environmental issues which led him to contribute to many council initiatives where held the portfolio for Environment and later

Liveability. George was also Chair of the Durham Heritage Coast Partnership.

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

The Chairman informed the Council that he had recently attended an event to celebrate 175 years of Durham Constabulary and had presented force representatives with the Chairman's trophy and placed on record, his appreciation of Durham Constabulary.

1 Election of Chairman

Moved by Councillor M Williams, **Seconded** by Councillor A Laing and

Resolved

That Councillor J Blakey be elected to the Office of Chairman of the Council for the ensuing year.

Councillor Blakey subscribed the Statutory Declaration accepting the Office.

Councillor J Robinson vacated the Chair.

Councillor J Blakey in the Chair.

2 Presentation to Retiring Chairman

The Chairman paid tribute to the services of Councillor Robinson during his term of office and presented a Past Chairman's Badge to Councillor Robinson incorporating the Council's Coat of Arms, as a token of the Council's appreciation of his services during his period of Office.

Further tributes to Councillor Robinsons ambassadorial service, the diligent, exceptional, professional and dignified way he had conducted himself during his term of office both locally, regionally, nationally and internationally were given by Councillor Henig (Leader of the Labour Group), Councillor Shield (on behalf of the Durham Independent Group), Councillor Hopgood (Leader of the Liberal Democrat Group), Councillor R Bell (Leader of the Conservative Group) and Councillor Shuttleworth (Leader of the Durham County Council Independent Group).

In response, Councillor Robinson thanked both the incoming Chairman and all Councillors for the presentation and expressed his appreciation to every single person who had supported him and assisted him during the year. Councillor Robinson spoke of the many inspirational people he had met throughout the year. Councillor Robinson offered his congratulations to Councillor Blakey and her consort and wished her well for her year in office. Finally, Councillor Robinson thanked his wife and consort, Maxine for her unwavering support throughout the year.

The Chairman then presented Mrs Robinson with a bouquet in appreciation of her efforts in supporting Councillor Robinson during his term of office.

Resolved unanimously

That the Council place on record its appreciation of the valuable services rendered by Councillor Robinson as Chairman of the Council.

3 Election of Vice-Chairman

Moved by Councillor A Napier, **Seconded** by Councillor A Laing and

Resolved

That Councillor R Todd be elected Vice-Chairman of the Council for the ensuing year.

Unfortunately, Councillor Todd was unable to attend the meeting due to ill health and would subscribe to the Statutory Declaration accepting the Office as soon as possible.

4 Minutes

The minutes of the meeting held on 1 April 2015 were confirmed by the Council as a correct record and signed by the Chairman.

5 Declarations of interest

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

6 Chairman's Announcements

New elected Councillors and Members of Parliament

The Chairman extended a warm welcome to Councillor Ted Henderson (Barnard Castle West), Councillor Bill Kellett (Sherburn), Councillor John Lindsay (Ferryhill) and Councillor Fraser Tinsley (Willington and Hunwick) who had all been successful in recent by-elections.

The Chairman also placed on record her personal congratulations and best wishes to all the Members of Parliament in County Durham who were successful in the parliamentary elections held on 7 May.

Photographs during proceedings

The Chairman informed Members that photographs would be taken during the course of the meeting, and that the traditional Council photograph would be taken at the end of the meeting.

Protocol following the conclusion of Council meetings

The Chairman requested that, at the conclusion of meetings, all Councillors remain in the Chamber to allow herself, the Vice-Chairman and Officers on the dais to exit the Chamber. Councillors would then be free to leave the Chamber.

Civic Function

Finally, the Chairman informed the Council that her first civic function would be a 50's theme night at Beamish.

7 Leaders announcement of Deputy Leader and Cabinet Members

The Leader of the Council reported that the Cabinet Members, portfolios and Executive Support had been subject to some changes for 2015/16. There would be five new Cabinet support members and one new Cabinet member who would replace Councillor Morris Nicholls. All positions had been filled by Councillors first elected in 2013.

Councillor Henig then paid tribute to Councillor M Nicholls who had been solid, reliable and dependable through some difficult times and thanked him for his hard work and effort. Councillor Henig then presented Councillor Nicholls with a gift as token of appreciation from all his Cabinet colleagues.

Councillor Nicholls placed on record his personal thanks to Councillor Henig, his Cabinet colleagues, all Councillors, staff in the Cabinet office and the Corporate Director, Childrens and Adults Services and her staff for all their help and support during his time as portfolio holder.

Leader of the Council Cllr Simon Henig Cllr Patrick Conway (cross-cutting responsibilities)	<ul style="list-style-type: none">● Overall co-ordination of policy, including MTFP● Performance framework and monitoring● County Durham Partnership● External Partnerships● Communications● Legal and Democratic Services+
Deputy Leader and Finance Cllr Alan Napier Cllr Ian Geldard Corporate Services Cllr Jane Brown Cllr Angela Surtees	<ul style="list-style-type: none">● Finance● Legal and Democratic Services+ ● Risk Management● Human Resources● ICT● Welfare rights

<p>Children and Young People's Services</p> <p>Cllr Ossie Johnson Cllr Tracie Smith</p>	<ul style="list-style-type: none"> ● Education 0-19 ● Specialist and Safeguarding Children's Services ● Youth Services, including Youth Offending Services ● Children Centres ● Health and wellbeing board member
<p>Economic Regeneration</p> <p>Cllr Neil Foster Cllr Trish Pemberton</p>	<ul style="list-style-type: none"> ● Spatial Planning / LDF, including Strategic Transport & LTP ● Development Control ● Economic Development ● Town Centres ● Regeneration ● Tourism, Arts and Culture
<p>Assets, Strategic Housing and Rural Issues</p> <p>Cllr Eddie Tomlinson Cllr Mike Dixon</p>	<ul style="list-style-type: none"> ● Housing strategy ● Homelessness ● Private sector housing issues ● Fuel poverty / Energy efficiency ● Links with Housing providers ● Assets (land and property) ● Rural champion
<p>Leisure, Libraries and lifelong learning</p> <p>Cllr Maria Plews Cllr Rachel Lumsdon</p>	<ul style="list-style-type: none"> ● Leisure services ● Parks ● Allotments ● Bereavement services ● Libraries ● Community & Adult Education
<p>Neighbourhoods and local partnerships</p> <p>Cllr Brian Stephens Cllr Rob Yorke</p>	<ul style="list-style-type: none"> ● Area Action Partnerships ● Relationships with Town and Parish Councils ● Community Development ● Community Facilities ● Customer Services ● Neighbourhood Streetscene ● Environment Policy, including sustainability & climate change ● Environment, Health and Consumer Protection ● Local Transport Plan implementation ● Highways ● Waste Management ● Direct Services

<p>Adult and Health Services</p> <p>Cllr Lucy Hovvels Cllr Audrey Laing</p>	<ul style="list-style-type: none"> ● Adult Social Care Services ● Personalisation ● Adult Safeguarding ● Carers ● Adult Social Care Commissioning ● Health and Wellbeing
<p>Safer Communities</p> <p>Cllr Joy Allen Cllr Anne Bonner</p>	<ul style="list-style-type: none"> ● Community Safety ● Links with Durham Police ● Travellers liaison service ● Emergency planning ● Health and wellbeing board member

+ Shared responsibility

8 Appointment of Committees and allocation of seats to Political Groups under Section 15 of the Local Government and Housing Act 1989

The Council considered a report from the Head of Legal and Democratic Services regarding the appointment of Council bodies and allocation of seats to political groups under section 15 of the Local Government and Housing Act 1989 (for report see file of Minutes).

Moved by Councillor A Laing, **Seconded** by Councillor C Marshall

In moving the recommendation, Councillor Laing advised the Council that the portfolio titles contained within Appendix 3 of the report (three representatives nominated by the Leader to serve on the Health and Wellbeing board), be amended to reflect the revised Portfolio titles.

Resolved

That the recommendations, together with the amendment to the portfolio titles detailed in Appendix 3 be agreed.

9 Appointment of Chairmen and Vice-Chairmen of Committees and Sub-Committees

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

Resolved

That the following Members be appointed as Chairmen and Vice-Chairmen of the Committees shown in accordance with the provisions of the Constitution:

Non-Executive/Regulatory Committees	Chairman	Vice-Chairman
Appeals and Complaints Committee	Councillor J Cordon	Councillor J Bell
Audit Committee	Councillor E Bell	*Councillor J Rowlandson

Chief Officer Appointments Committee	Councillor S Henig	Councillor A Napier
Highways Committee	Councillor G Bleasdale	Councillor C Kay
Human Resources Committee	Councillor J Robinson	Councillor S Iveson
General Licensing and Registration Committee	Councillor C Carr	Councillor J Maitland
Statutory Licensing Committee	Councillor C Carr	Councillor L Marshall Councillor B Glass
General Licensing and Registration Sub-Committee's	Councillor L Marshall (1) Councillor C Carr (2) Councillor B Glass (3)	
Statutory Licensing Sub-Committee	Councillor L Marshall (1) Councillor C Carr (2) Councillor B Glass (3)	
Standards Committee	Councillor M Williams	Councillor K Shaw
County Planning Committee	Councillor K Davidson	Councillor B Moir
Area Planning Committee (North)	Councillor C Marshall	Councillor I Jewell
Area Planning Committee (Central and East)	Councillor P Taylor	Councillor A Laing
Area Planning Committee (South and West)	Councillor M Dixon	Councillor H Nicholson
Pension Fund Committee	Councillor A Turner	*Councillor W Stelling
Corporate Parenting Panel	Councillor P Brookes	Councillor J Clark
Overview and Scrutiny Committee's		
Overview and Scrutiny Management Board	Councillor J Armstrong	Councillor P Stradling
Children and Young People's Scrutiny Committee	Councillor C Potts	Councillor M Nicholls
Safer and Stronger Communities Scrutiny Committee	Councillor D Boyes	Councillor T Nearney
Environment and Sustainable Communities Scrutiny Committee	Councillor B Graham	Councillor E Adam
Economy and Enterprise Scrutiny Committee	Councillor R Crute	Councillor A Batey
Adults, Wellbeing and Health Scrutiny Committee	Councillor R Todd	Councillor S Forster
Corporate Issues Scrutiny Committee	Councillor J Lethbridge	Councillor K Henig

***Minority Group**

10 Appointments to Joint Bodies and Other Bodies 2015/2016

The Council considered a report from the Head of Legal and Democratic Services detailing appointments to joint and other bodies for 2015/2016 (for report see file of Minutes).

Moved by Councillor S Henig, **Seconded** by Councillor A Napier

Resolved

- (i) That the Council agree the allocation of seats on the joint body detailed in Appendix 1 of the report;
- (ii) That the memberships of the bodies and local authority associations be allocated as set out in Appendix 2 of the report
- (iii) That the Head of Legal and Democratic Services be authorised, in consultation with the appropriate Group Leader(s), to make appointments to the other outside bodies to which the Council are invited to nominate, in accordance with the following criteria:
 - (a) those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly;
 - (b) 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; and
 - (c) If a consensus on the allocation of seats to Members within the electoral division could not be reached, should the division be represented by Members from different parties and agreement could not be reached, the party with the largest proportion of seats on the Council would be allocated the seat; and
 - (d) the remaining 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 Housing Associations and bodies providing services in one particular locality, in such circumstances the membership would be from that locality. This would not include appointments to the County Durham Housing Group Board.
 - (e) That similar delegated authority be granted to allow any changes to be made to memberships of the main outside bodies/ joint bodies approved by Council, which may become necessary during

the course of 2015/16, again in consultation with the appropriate Group Leader(s).

- (iv) Agree the allocation of seats on the Charter Trustees as detailed in Appendix 3;
- (v) That Councillor N Foster be appointed as the Cabinet Member to serve on the Charter Trustees and that Councillor J Robinson be the additional Member appointed to the Charter Trustees;
- (vi) That the allocation of seats on the Police and Crime Panel be agreed as detailed in Appendix 4 of the report; and
- (vii) That Councillor E Bell be appointed to serve on the Joint Audit Committee to assist the Police and Crime Commissioner and Chief Constable, noting the nomination would be subject to approval of the Police and Crime Commissioner.

Moved by Councillor C Marshall, **Seconded** by Councillor Laing that appointments be made to positions on the North East Combined Authority as follows:

- i. The Council Representative of the North East Leadership Board (NELB) - Councillor S Henig
- ii. Substitute member to the NELB - Councillor A Napier
- iii. Two members to the Transport North East Committee (TNEC) -Councillors N Foster and E Tomlinson
- iv. Substitute member to the TNEC - Councillor J Allen
- v. One member to the Governance Committee - Councillor E Bell
- vi. Substitute member to the Governance Committee - Councillor M Williams
- vii. Two members to be representatives on the Overview and Scrutiny Committee - Councillors J Armstrong and R Crute
- viii. One member to the Economic Development and Regeneration Advisory Board - Councillor N Foster
- ix. Substitute member to the Economic Development and Regeneration Advisory Board - Councillor E Tomlinson

It was further **Moved** by Councillor C Marshall, **Seconded** by Councillor A Laing and

Resolved

That Councillors D Boyes, M Plews and E Tomlinson be the three members nominated to serve on the County Durham Housing Group Board.

11 Annual Review of the Constitution

The Council considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's Constitution (for copy see file of Minutes).

Councillor M Wilkes referred to paragraph 22.3 on page 83 of the papers regarding competition and provision for services. Councillor Wilkes commented that the issue around this particular rule had been raised by Councillor Hopgood at Constitution Working Group. Councillor Wilkes felt that the inclusion of the rule was not best practice and did not offer best value and explained that if the in-house provider had the capability and capacity to meet the requirements of a contract removed the ability for small businesses. Councillor Wilkes felt that there was a perception for misuse, negative publicity and asked Council to withdraw the rule and send a clear message to local small businesses that they would wish to work with them.

Councillor Wilkes **moved** an amendment that paragraph 22.3 be removed from the Contract Procedure Rules. The amendment was **seconded** by Councillor A Hopgood.

Upon a vote being taken, the amendment was **lost**.

Moved by Councillor S Henig, **Seconded** by Councillor A Napier,

Resolved

That the Council:

- i. approve the scheme of delegations as set out in Part 3 of the Constitution;
- ii. agree the proposed revisions to the Constitution, including the delegations to Chief Officers contained, as set in the report;
- iii. that the Head of Legal and Democratic Services be authorised, following consultation with the Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council or a Council body or to comply with legal requirements.

12 Statement of Returning Officer

The Council noted the statement of the Returning Officer which provided details of Councillors elected at recent by-elections held on Thursday 7 May 2015 (for copy see file of Minutes).

13 Dates of Council Meetings 2015/16

Resolved

That the dates of meetings of the County Council for 2015/16 be as follows:

Wednesday 17 June 2015

Wednesday 22 July 2015

Wednesday 23 September 2015

Wednesday 28 October 2015
Wednesday 9 December 2015
Wednesday 20 January 2016
Wednesday 24 February 2016 (Budget)
Wednesday 13 April 2016
Wednesday 25 May 2016 (Annual)

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17 June 2015

Report from the Cabinet



Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 15 April 2015 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 16 June 2015 in order for them to be displayed on the screens in the Council Chamber.

Contents

15 April

- Item 1 Joint Strategic Needs Assessment 2014 and the refresh of the Joint Health & Wellbeing Strategy 2015-2018
- Item 2 Children's Services Update
- Item 3 ICT Strategy 2015 – 2018
- Item 4 Annual Enforcement Programme
- Item 5 Environment, Health & Consumer Protection Service – Enforcement Policy
- Item 6 Review of the Council's Hackney Carriage and Private Hire Licensing Policy

- 1. Joint Strategic Needs Assessment 2014 and the refresh of the Joint Health & Wellbeing Strategy 2015-2018**
Cabinet Portfolio Holders – Councillors Lucy Hovvels, Morris Nicholls, and Ossie Johnson
Contact – Peter Appleton 03000 267381

We have considered a report of the Corporate Director, Children and Adults Services which presented the key messages from the refresh of the Joint Strategic Needs Assessment (JSNA) 2014 and the refreshed County Durham Joint Health & Wellbeing Strategy (JHWS) 2015-2018.

The Health and Social Care Act 2012 places clear duties on local authorities and Clinical Commissioning Groups (CCGs) to prepare a Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy through Health and Wellbeing Boards. The JSNA is used to inform key strategies and plans, for example, the Sustainable Community Strategy (SCS), Children, Young People and Families Plan, CCG Operational Plans, the Better Care Fund Plan and Durham County Council's Council Plan.

Consultation took place on the JSNA and JHWS between October 2014 and February 2015 with over 400 people from different backgrounds taking part in the process. A number of public consultation events took place including a number of engagement events with children and young people. Online consultation also took place through the Durham County Council website. Adults, Wellbeing and Health and Children and Young People's Overview and Scrutiny Committees and all fourteen Area Action Partnerships were also part of the consultation.

The JSNA key messages were received by the Health and Wellbeing Board on 28th January 2015 and the JHWS was approved by the Health and Wellbeing Board on 11th March 2015.

The JSNA 2014 is the seventh edition produced in County Durham which provides an overview of health and wellbeing needs of the local population. The JSNA identified a number of key messages. A summary of these key messages were detailed in Appendix 2 of the report. The JSNA 2014 has informed the Annual Report of the Director of Public Health (DPH) County Durham, which focuses on tackling social isolation and loneliness in County Durham.

The vision for the JHWS has been re-affirmed as "Improve the health and wellbeing of the people of County Durham and reduce health inequalities". This vision has also been adopted as the overarching vision for the Better Care Fund in County Durham. The Strategic Objectives and Outcomes Framework for the JHWS are as follows:

- Strategic Objective 1: Children and young people make healthy choices and have the best start in life
- Strategic Objective 2: Reduce health inequalities and early deaths
- Strategic Objective 3: Improve quality of life, independence and care and support for people with long term conditions
- Strategic Objective 4: Improve mental and physical wellbeing of the population
- Strategic Objective 5: Protect vulnerable people from harm
- Strategic Objective 6: Support people to die in the place of their choice with the care and support that they need

The Health and Wellbeing Board Annual Report 2014/5 will be presented to the Health and Wellbeing Board at its meeting on 23rd July 2015 for agreement and will be received by Cabinet on 16th September 2015.

Decision

We have:

- Noted the summary of key messages in the Joint Strategic Needs Assessment
- Received and endorsed the Joint Health and Wellbeing Strategy
- Agreed to receive the Health and Wellbeing Board Annual Report 2014/15 on 16th September 2015 for information.

2. **Children's Services Update** **Cabinet Portfolio Holder – Councillor Ossie Johnson** **Contact – Carole Payne 03000 268657**

We have considered a report of the Corporate Director, Children and Adults Services which provide an update to Cabinet on the national and local developments in relation to children's social care services.

A report was presented to us on 19 November 2014 summarising a range of national policy documents all pointing to a consistent strategic direction, towards early intervention and prevention alongside effective and rigorous protection of children and young people. The report provided an update on the national context including child exploitation, the Single Inspection Framework, the Children's Social Care Innovation Programme and the Troubled Families Programme.

The Durham Local Safeguarding Children Board (LSCB) has prioritised work on child sexual exploitation since 2011. The LSCB has agreed a new Child Sexual Exploitation Strategy for 2014-2017 together with an Action Plan which outlines the key actions to be progressed to achieve the strategic aims within the Strategy. The Action Plan provides clarity in relation to strengthening leadership and improving the governance of the work to tackle CSE. It will ensure that training of professionals will be effective, co-ordinated and targeted and single and multi-agency processes and procedures are effective.

A multi-agency marketing strategy, called ERASE, has been developed to ensure that consistent and accurate messages are communicated to key stakeholders and there will be coordinated protection, support and guidance for CSE victims, and their families, as well as those at risk of CSE. Progress of the strategy is monitored through the Action Plan, underpinned by a performance management framework. The Action Plan is used to provide periodic updates on progress to both the LSCB Missing and Exploited Sub-Group and the Local Safeguarding Children Board.

Durham was successful in two bids to the Children's Social Care Innovation Fund. The first was for £496,000 for a therapeutic support programme at Aycliffe Secure Centre for children that have been sexually exploited. This will offer targeted support in helping young people deal with trauma and in making the transition from the secure setting into more independent living. The second successful bid was for £3.26 million to deliver on a large scale a

new approach to social work and to work with families, building on the learning from past initiatives in Durham and elsewhere.

The programme is underpinned by a significant programme of workforce development designed to create a new culture by developing new skills and attitudes, through training, mentoring, clinical consultation and challenge. New team structures, roles and relationships will be implemented, building on the existing strengths of the workforce in County Durham.

The Innovation Funding of £3.26 million will be used to enable rapid roll out of the programme, whilst minimising risk to existing statutory service delivery. Durham will align the whole children's service workforce into five co-terminus areas of the county. Each area will have two Innovation Teams. The ten newly created Innovations teams, led by social workers, will work from the One Point hubs to ensure a seamless and fully integrated service for children and families regardless of their level of need. Underpinning these arrangements is an aligned model of universal services, such as schools, community health services and voluntary and community sector organisations. It is their role to ensure that need is identified at the earliest point, so that early help can be provided. These services are already engaged through five early Help Forums. Three child protection teams will continue working with children subject to child protection plans and children in care proceedings and a Looked After Children's Service will work with children with permanence plans. The innovation teams will support families who have complex needs but who do not require a child protection plan.

With regard to Stronger Families, Durham is meeting its full target of 'turning around' 1,320 families by March 2015. In August 2014, due to the successful implementation and delivery of Phase 1, Durham was invited to be one of the Early Starters for Phase 2 of the Troubled Families Programme. This new phase includes much broader criteria with locally derived outcome measures. Phase 2 will be delivered over a 5 year time period and Durham will work with 4,330 families to within this period. As part of being an early starter Durham was asked to deliver work to an additional 650 families by March 2015. Durham was also invited to be take part in the design and development of Phase 2 ready for national implementation in April 2015.

The report detailed the next steps which included:

- The delivery of the Child Sexual Exploitation Strategy 2014-17 and Action Plan with regular updates to be provided to the Local Safeguarding Children Board.
- The first stage of the Children's Social Care Innovation Programme will start in one area of the county in June 2015. The second stage will follow in February 2016 with the final third stage starting in June 2016. All phases will be concluded by November 2016.
- Durham will work with an additional 4,330 families as part of Phase 2 of the Stronger Families Programme.

Decision

We have:

- Noted the contents of the report.
- Agreed to receive further updates in relation to the transformation of Children's Services on a six monthly basis.

3. ICT Strategy 2015 – 2018 Cabinet Portfolio Holder – Councillor Jane Brown Contact – Phil Jackman 07775 025096

We have considered a report of the Corporate Director, Resources which provided details of the ICT Strategy that will cover the three year period from April 2015. The ICT strategy is aimed at all stakeholders who are interested in the technological direction of the Council, including all residents, partners, politicians, suppliers, visitors and employees. The strategy reflects the Authority's overall strategic objectives and core values and it aims to deliver the following five key outcomes:

- A focus on Durham
- Better technology
- Better engagement
- Better people
- Better processes

Whilst the strategy will cover the three year period from April 2015 to March 2018, it will be refreshed each year on a three year rolling programme basis with actions from the updated annual ICT Service Plan.

Decision

We have agreed the ICT Strategy 2015 – 2018.

4. Annual Enforcement Programme Cabinet Portfolio Holders – Councillors Lucy Hovvels, and Brian Stephens Contact – Joanne Waller 03000 260924

We have considered a report of the Corporate Director, Neighbourhood Services which reviewed enforcement activities under the Children and Young Persons (Protection from Tobacco) Act 1991, the Anti-social Behaviour Act 2003 and the Licensing Act 2003 for the period April 2014 to March 2015 and sought approval of a new enforcement programme for 2015/16.

The Council has a statutory duty to consider, at least once a year, the extent to which the Authority should carry out a programme of enforcement under

the Children and Young Persons (Protection from Tobacco) Act 1991 and the Anti-social Behaviour Act 2003. These acts deal with the enforcement of underage sales of tobacco and aerosol paint containers respectively.

The Council has statutory responsibility for enforcement of the following age restricted products:

- Tobacco (Children and Young Persons (Protection from Tobacco) Act 1991)
- Spray paint containers (Anti-social Behaviour Act 2003)
- Alcohol (Licensing Act 2003)
- Videos and DVD's (Video Recordings Act 2010)
- Cigarette lighter refills (Cigarette Lighter Refill (Safety) Regulations 1999 and Consumer Protection Act 1987)
- Fireworks (The Pyrotechnic Articles (Safety) Regulations 2010 and Fireworks Act 2003)

The Authority has also elected to enforce the age restricted sales of:

- Solvents and glue (Solvents Intoxicating Substances (Supply) Act 1985)
- Knives (The Criminal Justice Act 1988, as amended by the Offensive Weapons Act 1996)
- Access to gaming establishments (Gambling Act 2005)
- Access to sunbed premises (Sunbeds (Regulation) Act 2010)

The availability of illicit alcohol and tobacco has also involved the use of other legislation such as the Trade Marks Act 1994 to tackle counterfeit products as well as the Consumer Protection Act 1987 to tackle incorrectly labelled products. In addition, legislation has been introduced to reduce the marketing and promotion of tobacco. The report reviewed activities undertaken during 2014-2015 and provided details of forthcoming legislation.

The Enforcement Programme for 2015/2016 will consist of the following activities:

- An intelligence led approach to under age sales enforcement and tobacco control based on the National Trading Standards Intelligence Operating Model and will follow the principles outlined in the Age Restricted Products Code of Practice.
- Investigation of all consumer and trader complaints.
- Continuation of our joint working with the Police Alcohol Harm Reduction Unit and other agencies to adopt a holistic approach to solving problems associated with the accessibility and misuse of age related products. To include education, surveillance and test purchasing as well as other alternative enforcement strategies as appropriate.
- Continuation of our 'Do You Pass' retailer training including its use as an alternative to fixed penalty notices and other formal action.
- Continuation of our work in partnership with the police, HMRC and other agencies to tackle the problem of proxy sales and sales from

private premises to children, particularly in relation to alcohol and tobacco.

- Continuation with a policy of reviewing licensed premises when appropriate.
- Continuation of our work strategically both corporately and with partner agencies to tackle health inequalities and antisocial behaviour associated with the misuse and illegal supply of age restricted products, in particular alcohol and tobacco.
- Enforcement of any new legislation for which we may be statutorily responsible that may arise from the implementation of the EU Tobacco Directive, The Health Act 2009 or Children and Families Act 2014.

Decision

We have agreed to adopt the Enforcement Programme for 2015/2016.

5. **Environment, Health & Consumer Protection Service – Enforcement Policy** **Cabinet Portfolio Holder – Councillor Brian Stephens** **Contact – Joanne Waller 03000 260924**

We have considered a report of the Corporate Director, Neighbourhood Services which sought agreement of a service specific enforcement policy that outlined the enforcement principles to be followed by authorised officers within Environment, Health and Consumer Protection Service (EHCP) when dealing with matters of regulatory non-compliance.

The Legislative and Regulatory Reform Act 2006 requires local authorities to have regard to the 'Principles of Good Regulation' when exercising specified regulatory functions, which are defined as those carried out by environmental health, trading standards and licensing services.

Accordingly regulatory activities are expected to be exercised in a way which is:

Proportionate – reflecting the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,

Accountable – open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,

Consistent – advice to those we regulate will be robust and reliable and we will respect advice provided by others.

Transparent – ensuring that those we regulate are able to understand what is expected of them and what they can anticipate in return.

Targeted – focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

In February 2009, Council approved a Corporate Enforcement Policy to help promote efficient and effective approaches to regulatory inspection and enforcement, and improve regulatory outcomes, without imposing unnecessary burdens on individuals and businesses.

The introduction of a Corporate Enforcement Policy set out the standards and guidance that is applied by the Council when acting in its role as regulator and enforcement agency across the range of its relevant legal powers and duties. Those undertaking an enforcement role of behalf of the Council is any capacity, must have regard to the Council's Corporate Enforcement Policy.

A letter from the Better Regulation Delivery Office was sent to all Local Authority Chief Executives in March 2014 outlining the Government's expectations in respect of the introduction of The Regulators' Code. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports, and enables regulators, to design their service, and enforcement policies in a manner that best suits the needs of businesses and other regulated entities. The Code applies to specified local authority regulatory functions including Environmental Health, Trading Standards and Licensing services. From the effective date the Council has a statutory duty to have regard to the Regulator's Code when developing policies, and operational procedures, that guide their regulatory activities.

A public consultation exercise has been undertaken seeking comments and feedback on the final format and content of the policy prior to ratification by Council. Upon consideration of the feedback from the public consultation exercise there were no material changes to the proposed enforcement policy.

Decision

We have agreed the final draft enforcement policy for Environment, Health & Consumer Protection (EHCP) and recommended that the policy be adopted by the Council.

6. Review of the Council's Hackney Carriage and Private Hire Licensing Policy Cabinet Portfolio Holder – Councillor Brian Stephens Contact – Joanne Waller 03000 260924

We have considered a report of the Corporate Director, Neighbourhood Services which requested our approval for Licensing Services to begin formal public consultation on proposed revisions to the existing Durham County Council Hackney Carriage and Private Hire Licensing Policy, more commonly referred to as the "taxi policy". The consultation on the existing policy is an integral part of the overall policy review process, leading to the adoption of a revised policy by Council.

The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the Council in May 2011. The Policy states that the Council will review it every three years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly. Policy related matters have been identified that need to be reviewed. The proposed revisions and other items for consideration concerning both licensed vehicles and drivers associated with the following:

- Possible vehicle age restrictions and engine emission standards
- The use of vehicle top signs and other licensed vehicle identifications
- Conditions relating to limousines
- The suspension of licensed vehicles
- Numeracy and literacy testing for new drivers
- Potential for introduction of new, more stringent safeguarding and child protection measures

Potential changes to the policy document for consideration were shown in the table of changes in the report.

Licensing Services propose to consult on the existing Hackney Carriage and Private Hire Licensing Policy for a period of not less than 12 weeks. The amended policy together with the potential changes being proposed would be subject to a broad consultation. At the end of the consultation period, responses will be collated and presented in a report to the General Licensing and Registration Committee.

Decision

We have:

- Agreed the proposal to undertake a full and proper review and revision to the current 'taxi' policy.
- Agreed to support the review process, leading to the production of a revised draft version of the 'taxi' policy to be reported to the Licensing Committee with a view to its eventual adoption by full Council.

Councillor S Henig
Leader of the County Council

9 June 2015

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County Council

17 June 2015

Community Governance Review of Pelton and Newfield



Report of Colette Longbottom, Head of Legal and Democratic Services

Councillor Simon Henig, Leader of Durham County Council

Purpose of Report

1. To advise of the outcome of the consultation undertaken as part of the community governance review of Pelton and Newfield and to make a draft recommendation in this regard.

Background

2. On 25 February 2015 the County Council resolved to undertake a community governance review following receipt of a valid petition from Newfield and Pelton Lane Ends Residents Association which sought to incorporate the unparished area of Newfield within the parish boundary of Pelton, served by Pelton Parish Council.
3. The County Council subsequently proposed two options for the future community governance arrangements in the area:

Option 1

To implement changes to the current governance arrangements in accordance with the petition submitted by the Residents Association. This would see the current parish boundary of Pelton parish extend to include the unparished area of Newfield.

As a number of other properties (11 in total) with a Newfield postcode were identified that had not been included in the plan received from the residents association, these were included within the area to be moved to Pelton parish.

Option 2

That the current governance arrangements in the unparished area of Newfield and the parished area of Pelton remain unchanged. This would mean that changes proposed by the Residents Association would not be implemented and there would be no change to the current governance arrangements in the area.

Consultation

4. The terms of reference for the review were published on 25 February 2015 and a consultation exercise was undertaken in accordance with the agreed timetable.

Local Government Electors

121 consultation documents were sent out to affected properties and 23 responses were received. Of those 23 responses, 17 respondents opted for option 1, and 6 respondents opted for option 2. The responses have been broken down further as follows:-

Area	Forms issued	Forms returned	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
The properties in Newfield identified in the petition from the Residents Association	110	20	17 <ul style="list-style-type: none"> To improve local and community services To have representation within a parish To have a voice in decisions made for the Newfield area 	3 <ul style="list-style-type: none"> Do not want to pay more Council Tax
The 11 additional properties with Newfield postcodes that were identified and included in Option1.	11	3	0	3 <ul style="list-style-type: none"> No understanding of what Pelton Parish Council do or what the benefits would be Do not feel associated with Newfield

Web Form

The consultation document and response form was also made available on the Council's website, however no completed web forms were received.

Statutory Consultees

Consultation letters were sent to the local MP, Kevan Jones, the Chester-le-Street and District Area Action Partnership, the County Durham Association of Local Councils (CDALC), the three local County Councillors and Pelton Parish Council.

The Chester-le-Street and District Area Action Partnership commented that there was support for the proposal as long as the Council felt that there had been sufficient public consultation and support for the proposal.

The CDALC Executive Committee resolved that they would be happy to concur with the wishes of the residents of Newfield/Pelton following the CGR process.

Although no response was received from Pelton Parish Council during the consultation, a letter to the County Council in support was submitted by the Parish Council at the time that the Residents Association had submitted the petition.

Local members have advised of their support for the wishes of the local people.

Pelton Fell Community Partnership

The Council received representations from Pelton Fell Community Partnership ("the Partnership"). In its response the Partnership states that it believes that the current consultation was slightly premature in view of its own proposed consultation of the residents of Pelton Fell for the provision of a Community/Parish Council for Pelton Fell which includes part of the area being consulted on as part of this review.

The Partnership said that part of the area proposed to be transferred to Pelton Parish was considered to be better served by the Pelton Fell area. It was not opposed however to a more appropriate part of Newfield being incorporated into Pelton Parish. The Partnership said that if the proposal identified in option 1 of the consultation, were approved the proposal would result in the need for a change in the electoral boundaries of the Council's Chester-le-Street and Pelton wards and could disrupt the Lower Super Output area, County Durham 011F. The Partnership also states that it could result in an awkward administrative boundary in the vicinity of the unparished area of Pelton Fell.

Analysis of Consultation Responses

5. From the relevant electorate of which there were 121 properties identified; 23 responses were received, which equated to a 19% response. From those that responded 73% were in favour of the proposals.
6. Having considered the issues put forward by the Partnership the responses have been broken down further:-
 - Of the 110 properties which formed part of the petition area identified for Newfield, 20 responses had been received which equated to a 18% response. Of those 17 were in favour which meant from the responses 85% were in favour.
 - Of the other 11 properties which have been included in option 1, 3 responses were received which equated to a 27% response. All were opposed to the option to transfer which meant from the responses 100% were against.
7. The County Council was aware that the Partnership was seeking views from its residents regarding the possible establishment of a parish council in the area, however Pelton Fell would be considered as a separate review if a valid petition was received. Having considered the views of the Partnership it is correct that there was an overlap in the area proposed to be transferred which included a small number of properties which the Partnership has identified as being more associated with their area. Looking in closer detail at this, the 11 properties with a Newfield postcode appear to be more associated with the Pelton Fell area, and are within the same electoral division as the remainder of the unparished area of Pelton Fell.

The Law, Duties and Guidance

8. Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:
 - i. It must have regard to the need to secure that community governance within the area under review:
 - a. reflects the identities and interests of the community in that area
 - b. is effective and convenient.

- ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:

that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review.

- iii. The Council must take in to account any representations received in connection with the review.
9. Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.
 10. The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
 11. The guidance also states that the Council must have regard to the need to secure community governance within the area under review reflects the identities of the community in the area and is effective and convenient.
 12. The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.
 13. In this case having considered separately the two areas that were included in the proposal, there is strong support in favour of the unparished area of Newfield, with the exclusion of the 11 properties with Newfield postcodes, to be incorporated in the boundary of Pelton Parish Council. The proposed boundary change would be consistent with current electoral division boundaries. The 11 properties would remain in the Chester-le-Street West Central electoral division. This

would reflect identifiable communities within the current area, retain the existing electoral divisions, and maintain effective and convenient local government arrangements (a map is attached at Appendix 2).

Warding

14. The consultation document identified that if option 1 was taken forward the County Council would then need to review the electoral arrangements of Pelton Parish Council.
15. Pelton Parish Council consists of the following 3 parish wards with the number of electorate and councillors as identified:-
 - Grange Villa Ward – 742 electorate- 3 councillors
 - Pelton Ward- 3987 electorate - 11 councillors
 - High Handlehold Ward- 75 electorate- 1 councillor
16. In reviewing the electoral arrangements for the Pelton Parish Council the following needs to be considered:-
 - Whether any further warding arrangements should be introduced;
 - The drawing up of appropriate ward boundaries if required;
 - If the number of councillors to be elected to the parish council should be amended;
 - If the number of councillors to be elected per ward should be amended.
17. It was considered whether the area to be incorporated in Pelton Parish Council boundary should be separately represented on the council, or be merged with the Pelton Parish ward which it lies adjacent to. A separate fourth ward on the council would provide for an electorate of 176 and it would have required its own councillor representation. If the area was incorporated in the Pelton Parish ward which was represented by 11 councillors, there would be a small increase in size of the ratio of electorate to councillor from 362 to 378. Having taken this into consideration together with guidance about the suggested number of councillors on parish councils, and in seeking to provide an arrangement that would provide community cohesion, the recommendation proposed is to amend the boundary of Pelton Parish Council and that the area to be transferred is incorporated within the Pelton Parish ward.
18. The Constitution Working Group on 29 May 2015 considered the outcome of the consultation and agreed to recommend to Council that the current community governance arrangements be amended by extending Pelton Parish Council boundary to incorporate the unparished area of Newfield as identified on the map, which excludes the 11 properties with Newfield postcodes. The Group further agreed to recommend that the current council size be retained, and that the warding arrangements be amended by incorporating the area to be

transferred in the Pelton Parish Ward with effect from 1 April 2016. A draft recommendation to this effect would be published on the Council's website in accordance with the review timetable.

Next Steps

19. In accordance with the review timetable, should council agree with the recommendation of the Constitution Working Group, a draft recommendation will be published on the Council's website on 17 June 2015 and a further period of consultation will commence until 29 July 2015. A further report will be presented to Council after this time, to consider making the final recommendation for the review.

Recommendation and reasons

20. Council is asked to agree that a draft recommendation be published for the Pelton Parish Council boundary to be extended to incorporate the unparished area of Newfield as identified on the map, which excludes the 11 properties with Newfield postcodes. Approval is also sought that a further recommendation be made that convenient community governance would be best achieved by retaining the current council size, and that the warding arrangements be amended by incorporating the area to be transferred in the Pelton Parish Ward with effect from 1 April 2016.

Background Papers

Guidance on Community Governance Reviews, published in March 2010 by Communities and Local Government and the Local Government Boundary Commission for England.

Report to County Council of 25 February 2015

Contact: Ros Layfield, Committee Services Manager	03000 269 708
Clare Burrows, Governance Solicitor	03000 260 548

Appendix 1: Implications

Finance - The main costs will be in respect of a consultation and will be met from the budget identified for community governance reviews.

Staffing – The work will impact on staff time.

Risk - None

Equality and Diversity - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

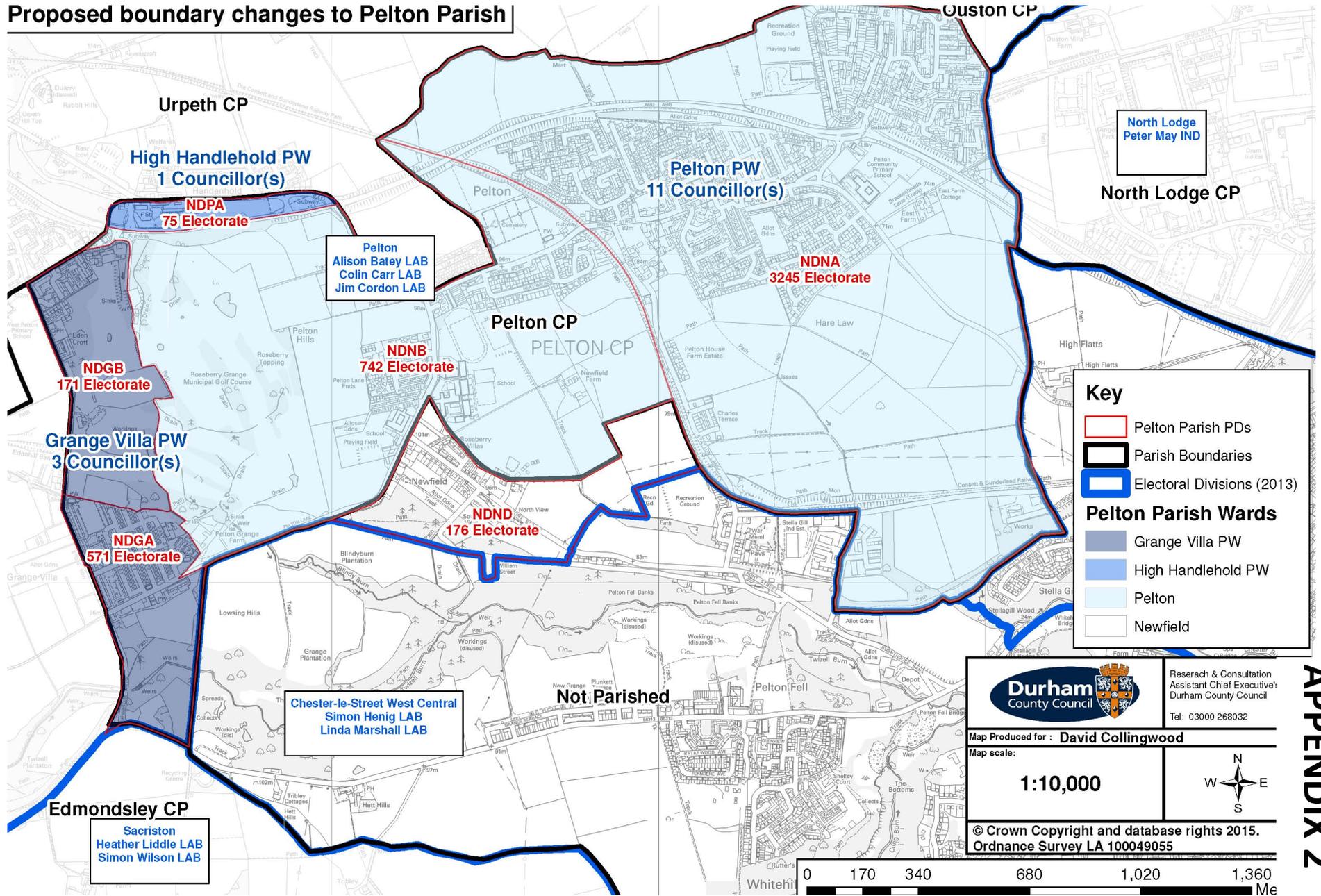
Consultation – See report

Procurement - None

Disability Discrimination Act - None

Legal Implications – A review will be undertaken in line with current legislation and guidance.

Proposed boundary changes to Pelton Parish



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County Council

17 June 2015



Changes to the Constitution – Compliance with New Regulations for the dismissal of senior officers

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To propose amendments to the Constitution following the publication of new regulations regarding local authorities' procedures for disciplining and dismissing Senior Officers.

Background

2. The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer have statutory responsibilities to discharge in their roles to their councils. As they work with and report to elected members these responsibilities are discharged in a political environment and consequently they have a statutory protection that requires the appointment of a Designated Independent Person ("DIP") to investigate any allegation of misconduct against these senior officers was introduced in the Local Authorities (Standing Orders) (England) Regulations 2001.
3. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the 2015 Regulations) came into force on 11 May 2015 with the aim of simplifying and localising more the disciplinary process. Instead of the DIP process, the final decision to dismiss any statutory officer must now be taken by Full Council, and before taking that decision, Council must invite at least two independent Persons to be members of a Panel and Council must take into account any advice, views or recommendations of that Panel before taking a decision to dismiss.

Independent Persons

4. 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 member's Code of Conduct regime to become part of the advisory Panel. The two or more independent persons should be issued with invitations in the following priority order:
 - an Independent Person who has been appointed by the Council and who is a local government elector

- any other Independent Person who has been appointed by the Council; and
 - an Independent Person who has been appointed by another council or councils
5. The Regulations limit the remuneration that should be paid to independent persons on the panel to the level of remuneration which they would normally receive as an independent person in the Code of Conduct regime.
 6. The Council appointed two independent Persons under the members Code of Conduct regime in 2012. They have been notified of the widening of their role under the 2015 Regulations including that they may be approached by other local authorities in the region to be appointed to their panels in accordance with the priority order outlined in paragraph 4.

The Panel

7. The Panel is a committee of the Council and the Chief Officer Appointments Committee is the Committee to which the independent persons will be co-opted to.
8. The Regulations are silent upon whether the independent persons must be voting members of the Panel but the purpose of their inclusion would appear to be negated if they did not have votes.

Changes to the Constitution

9. The functions of Full Council contained in Part 3, Section A of the constitution require amendment and the proposed changes are shown highlighted in Appendix 2.
10. The functions of the Chief Officer Appointments Committee contained in Part 3, Section A of the constitution currently have designated responsibility for the dismissal of the chief officers should the need ever arise and will therefore also require amendment and the proposed changes are shown highlighted in Appendix 3.
11. The Officer Employment Rules contained in Part 4 of the constitution require amendment and the proposed changes are shown highlighted in Appendix 4.
12. Constitution Working Group agreed at its meeting on 29 May 2015 to recommend that Council agree the changes proposed to the Constitution.

Recommendations and reasons

13. To approve the proposed changes to the Constitution to incorporate the new disciplinary procedures for Head of Paid service, Chief Finance Officer and Monitoring Officer introduced by the 2015 Regulations.

Contact:	Colette Longbottom	Tel: 03000 269732
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Appendix 1: Implications

Finance – None specific within this report

Staffing – None specific within this report

Risk - None specific within this report

Equality and Diversity / Public Sector Equality Duty - None specific within this report

Accommodation - None specific within this report

Crime and Disorder - None specific within this report

Human Rights - None specific within this report

Consultation - None specific within this report

Procurement - None specific within this report

Disability Issues – None specific within this report

Legal Implications – Implementation of the proposed changes to the constitution will ensure that the Council complies with its statutory obligations.

Appendix 2: Functions of Full Council

Council Body	Membership	Functions
Full Council	All 126 Members	<ol style="list-style-type: none"> 1. Subject to any provision of regulations under section 20 (joint exercise of functions) of the 2000 Act, the functions of - <ol style="list-style-type: none"> (a) making arrangements for the discharge of functions by a joint committee or officer under section 101(5) of the 1972 Act; and (b) making appointments under section 102 (appointment of committees) of the 1972 Act. 2. Functions relating to elections as set out in Section D of Schedule 1 to the 2000 Regulations 3. Functions relating to name and status of areas and individuals as set out in Section E of Schedule 1 to the 2000 Regulations. 4. Functions relating to changing governance arrangements as set out in Section EA of Schedule 1 to the 2000 Regulations. 5. Making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act. 6. Functions relating to community governance as set out in Section EB of Schedule 1 to the 2000 Regulations. 7. Power to make, amend and revoke byelaws. 8. Promotion or opposition of local or personal Bills. 9. Power to make standing orders. 10. Power to make standing orders as to contracts. 11. Powers in relation to staff under section 112 of the 1972 Act unless delegated to a committee or an officer. 12. Duty to make arrangements for the proper administration of the Council's financial affairs. 13. Appointment of "proper officers" for particular purposes under the 1972 Act. 14. Duty to designate an officer as the head of the council's paid service and to designate an officer as the monitoring officer and to provide them with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed. 15. Dismissal of Statutory Officers in accordance with the procedure set out in the Officer Employment Procedure Rules. 16. Functions relating to sea fisheries

Appendix 3: Chief Officer Appointments Committee

<p>Chief Officer Appointments Committee</p>	<p>11 Members of the Council including the Leader and Deputy Leader</p> <p>2 voting co-opted Independent Persons to be appointed in the case of proposed disciplinary action against a Statutory Officer</p>	<p>Appointment and dismissal of the Chief Executive (subject to confirmation by the full council) and chief officers and associated functions under Section 112 of the Local Government Act, 1972 in relation to those officers.</p> <p>Dismissal of Chief Officers, subject to the provisions contained in the Officer Employment Procedure Rules regarding the dismissal of Statutory Officers.</p> <p>Appointment and dismissal of the Director of Public Health (committee to act as advisory appointments committee, the appointment is subject to the approval of the Secretary of State for Health)</p> <p>To make recommendations to Full Council regarding a decision to dismiss a Statutory Officer</p>
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Appendix 4: Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- (i) The Council has drawn up procedures which include a requirement that any candidate for an appointment as an officer must state in writing whether they have **any** relationship with any councillor or officer of the Council;
- (ii) No candidate so related to a Councillor or a senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him.

(b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No Councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Chief Executive and Chief Officers

Where the Council proposes to appoint a Chief Executive or a chief officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement including the following:
 - (i) the duties of the Officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the procedures mentioned in paragraph (1) to be sent to any person on request.

3. Appointments and Dismissals

1. Chief Officers

In this paragraph –

“the Committee” means the Chief Officer Appointments Committee.

“Statutory Officers” means the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer

“the proper officer” means the Head of Legal and Democratic Services

“relevant independent persons” means any independent person who has been appointed by the authority under s28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

- (a) The appointment and dismissal of the Chief Executive, Chief Officers and any assistant for political groups (appointed in pursuance of Section 9 of the Local Government Housing Act 1989) is the responsibility of the Committee, subject to paragraph e) which sets out the procedure to be followed for the dismissal of a Statutory Officer as defined in this Paragraph.
- (b) At least one member of the Executive must be a member of the Committee.
- (c) Where the Committee is proposing to appoint ~~or dismiss~~ the Chief Executive, the County Council must approve that appointment before the offer of appointment is made ~~or must approve that dismissal before notice of dismissal is given.~~
- (d) The Committee shall not make an offer of appointment in relation to any of the officers named in (a) above (apart from an assistant for political groups) until;
 - (1) The Committee has notified the proper officer of the name of the person to whom the Committee wishes to make the offer and any other particulars which the Committee considers are relevant to the appointment;
 - (2) The proper officer has notified every member of the Executive of the authority of:
 - (i) The name of the person to whom the Committee wishes to make the offer;
 - (ii) Any other particulars relevant to the appointment which the Committee has notified to the proper officer; and

- (iii) The period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the Executive to the proper officer; and
- (3) Either:
 - (i) The Executive Leader has, within the period specified, notified the Committee that neither he nor any other member of the Executive has any objection to the making of the offer;
 - (ii) The proper officer has notified the Committee that no objection was received by him within that period from the Executive Leader; or
 - (iii) The Committee is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.

(e) A Statutory Officer may not be dismissed unless the following procedure is complied with;

- (i) The Council must invite relevant independent persons to be considered for appointment to the Committee, with a view to appointing at least two such persons to the Committee.
- (ii) The Council must appoint to the Committee such relevant independent persons who have accepted an invitation issued in accordance with the following priority order
 - a. A relevant independent person who has been appointed by the Council and who is a local government elector
 - b. Any other relevant independent person who has been appointed by the Council
 - c. A relevant independent person who has been appointed by another authority or authorities.
- (iii) The Council is not required to appoint more than two relevant independent persons but may do so.
- (iv) The Committee must convene at least 20 working days before a meeting of the Full Council to consider whether or not to approve a proposal to dismiss a statutory officer.
- (v) Before the taking of a vote at a meeting of the Full Council on whether or not to approve such a dismissal, the Council must take into account, in particular –
 - a. Any advice, views or recommendations of the Committee

- b. The conclusions of any investigation into the proposed dismissal; and
 - c. Any representations from the Statutory Officer
- (vi) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Committee must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.
- (f) Notice of the dismissal of an officer named in (a) above must not be given by the Committee until –
- (1) The Committee has notified the proper officer of the name of the person who the Committee wishes to dismiss and any other particulars which the Committee considers are relevant to the dismissal;
 - (2) The proper officer has notified every member of the Executive of the Authority of:
 - (i) The name of the person who the Committee wishes to dismiss;
 - (ii) Any other particulars relevant to the dismissal which the Committee has notified to the proper officer; and
 - (iii) The period within which any objection to the dismissal is to be made by the Executive Leader on behalf of the Executive to the proper officer; and
 - (3) Either –
 - (i) The Executive Leader has, within the period specified, notified the Committee that neither he nor any other member of the Executive has any objection to the dismissal;
 - (ii) The proper officer has notified the Committee that no objection was received by him within that period from the Executive Leader; or
 - (iii) The Committee is satisfied that any objection received from the Executive Leader within that period is not material or is not well-founded.
- (g) Where a member of the Executive attends the Committee set up to deal with a particular appointment or dismissal then such attendance shall constitute notice of and compliance with the requirements of (d) and (e) above.

2. **Director of Public Health**

- a) The appointment of the Director of Public Health who is appointed in pursuance of Section 73A(7) of the National Health Service Act 2006 (inserted by section 30 of the Health and Social Care Act 2012) is the responsibility of the Chief Officer Appointments Committee acting as the Advisory Appointments Committee, subject to the approval of the appointment by the Secretary of State for Health.
- b) The Committee will be chaired by the cabinet member of the Health and Wellbeing Board and also include the following
 - (i) An external professional assessor appointed after consultation with the Faculty of Public Health and agreed by Public Health England
 - (ii) The chief executive of the Council or his/her nominated deputy
 - (iii) Senior NHS representation
 - (iv) The Public Health England Regional Director, or another senior professionally qualified member of Public Health England acting on his/her behalf
 - (v) And in the case of appointments to posts which have either teaching or research commitments, or both, the committee should also include a professional member nominated after consultation with the relevant university
- c) Under the current Faculty of Public Health guidance, the overall balance on the Committee is required to have a local and a professional majority.
- d) The Council is required to seek advice and recommendations from Public Health England on the membership of the Committee, including the assessor. It is for the council to decide whether both a medical assessor and non-medical assessor are required.
- e) Assessors must be geographically distant and will normally be from outside the area of the Public Health England Unit where the post is being advertised to maximise objective assessment.
- f) The Council will advise the Secretary of State for Health of their preferred candidate and confirmation of their professional competence, compliance with statutory regulation and necessary registration to undertake the role.
- g) The Advisory Appointments Committee may terminate the appointment of the Director of Public Health following prior consultation with the Secretary of State for Health.

3. **Other Officers**

- (a) Appointment and dismissal of officers below Chief Officer is the responsibility of the Chief Executive or his nominee, and may not be undertaken by councillors.
- (b) Councillors will not be involved in disciplinary action against any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Members.

4. **Disciplinary Action**

In this paragraph –

“disciplinary action” includes proposed dismissal for any reason other than redundancy, permanent ill-health or failure to renew a fixed term contract, planned retirement and early retirement and unsatisfactory probationary periods.

(a) **Written Procedures**

- (i) Disciplinary action against the ~~Chief Officers referred to in 3(a) above~~ and against the Monitoring Officer will be taken in accordance with the County Council's Chief Officer Procedures, subject to paragraph 1(e).
- (ii) Disciplinary action against all other officers will be taken in accordance with the County Council's Local Disciplinary Policy Procedure and Toolkit.

~~(b)~~ **Independent Person**

~~No disciplinary action may be taken under 4(a)(i) above except in accordance with a recommendation in a report made by a designated independent person.~~

(be) **Suspension**

An officer named in 3(a) above and the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay.

5. **Appeals**

None of the above shall prevent a Councillor serving as a member of an appeals committee or body established to consider an appeal by:

- (i) any person against any decision relating to the appointment of that person as a member of staff of the authority; or
- (ii) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the member of staff has less than six months' notice – in these instances the appeal shall be conducted by a senior officer.

6. Appointment of Political Assistants

For the purposes of Section 9(2)(d) of the Local Government and Housing Act 1989 (the 1989 Act):

- (a) no appointment shall be made to any post allocated to a political group until the Council has allocated a post to each of the groups which qualify for one;
- (b) no political group shall be allocated a post unless it qualifies for one under the 1989 Act; and
- (c) no political group shall be allocated more than one post.