



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 20 January 2016 at 10.00 am.** to transact the following business:-

1. To confirm the minutes of the meeting held on 9 December (Pages 1 - 10)
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 11 - 20)
9. Community Governance Review - Pelton Fell - Report of Head of Legal and Democratic Services (Pages 21 - 36)
10. Motions on Notice

Councillor Temple to Move

This council calls upon its cabinet and officers to withdraw the current proposals under the Review of classroom based staff, and instead engage with school governing bodies and subsequently trades unions to address the issues it seeks to resolve.

Councillor Wilkes to Move

Council recognises the importance County Durham residents place upon the heritage of our County and in particular of the immense sense of pride and honour the community has in the Durham Light Infantry.

Council further accepts the need for our World Heritage City to provide excellent public art facilities for both the public of County Durham and for the benefit of tourism.

Council notes the significant public concern about the announcement of the closure of the existing DLI Museum and Art Gallery site. Council further accepts that many residents believe there should be consultation on the proposals with the general public, families of veterans, as well as more substantial consultation with all members of this Council.

Council therefore strongly urges Cabinet to delay the closure plans to allow for a public consultation, and to allow for the consideration of all possible alternatives which may be put forward, including those which the Council may not have previously been aware of.

11. Questions from Members

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

Dated this 12th day of January 2016



Colette Longbottom
Head of Legal and Democratic Services

To: All Members of the County Council

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 9 December 2015 at 10.00 a.m.**

Present:

Councillor J Blakey in the Chair

Councillors E Adam, J Armstrong, B Avery, A Batey, A Bell, D Bell, E Bell (Vice-Chairman), J Bell, R Bell, H Bennett, G Bleasdale, A Bonner, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, P Crathorne, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, D Freeman, I Geldard, B Glass, B Graham, J Gray, O Gunn, C Hampson, J Hart, T Henderson, K Henig, S Henig, D Hicks, J Hillary, M Hodgson, G Holland, A Hopgood, K Hopper, L Hovvells, E Huntington, S Iveson, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, H Liddle, J Lindsay, R Lumsdon, J Maitland, C Marshall, L Marshall, N Martin, J Maslin, P May, J Measor, O Milburn, B Moir, S Morrison, A Napier, T Nearney, H Nicholson, P Oliver, R Ormerod, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, G Richardson, S Robinson, J Rowlandson, A Savory, K Shaw, J Shuttleworth, H Smith, T Smith, W Stelling, B Stephens, D Stoker, P Stradling, A Surtees, L Taylor, O Temple, K Thompson, F Tinsley, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, M Williams, A Willis, C Wilson, R Young and S Zair

Apologies for absence were received from Councillors J Allen, J Alvey, B Armstrong, L Armstrong, D Boyes, J Charlton, K Corrigan, D Hall, C Kay, M Nicholls, J Robinson, A Shield, M Simmons, M Simpson, M Stanton, P Taylor, S Wilson and R Yorke

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

- Dave Newell, a Community Culture Development Officer based in Neighbourhood Services. Dave was a great advocate of the arts with a strong belief in the difference they could make to some of the most challenged communities. Dave had also served as a Councillor on the former Sedgefield Borough Council for 10 years between 1999 and 2009, became the authority's youngest Mayor in 2002 and was made an Honorary Alderman in 2009.
- Graeme Adcock who worked in the stores section at the Council's Meadowfield Depot. Graeme, who was a popular member of staff with 27 years' service, was a keen golfer and enjoyed photography.

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

1 To confirm the minutes of the meeting held on 28 October 2015

The minutes of the meeting held on 28 October 2015 were confirmed by the Council as a correct record and signed by the Chairman.

Councillor Watson referred to Minute No. 12 and asked whether the investigation would include interviewing the claimant. The Chairman informed Councillor Watson that Council was being asked only to confirm the accuracy of the Minutes. Councillor Watson confirmed they were an accurate record of the meeting.

2 To receive any declarations of interest from Members

Following advice from the Head of Legal and Democratic Services in relation to the Motion listed under Item 12 on the Agenda, concerning the review of classroom based staff, declarations were made by Members. This Motion, however, was not considered at the meeting, in accordance with Council Procedure Rules.

3 Chairman's Announcements

The Chairman thanked all staff and Members who had taken part in the bake sale and raffle held outside the Chamber prior to the meeting.

The Chairman also expressed thanks for all the supportive messages she had received during a recent period of family illness.

Finally, the Chairman informed the Council that a Christmas jumper day would be held on Wednesday 16 December to help raise funds for the Nepal schools charity. The Chairman also hoped to visit some Service Departments on this day.

4 Leader's Report

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

- The Leader thanked all staff who had worked on Friday and over the weekend to assist with situations arising from the inclement weather. The Leader also sent the thoughts of the Council to Cumbria which had suffered severe flooding following Storm Desmond.
- The Leader congratulated all those involved in the Lumiere Event held in Durham, which had attracted over 200,000 visitors. The event had received positive feedback and the Leader thanked Artichoke, staff and partner bodies. The display of the Tricolour on the Cathedral as tribute to the victims of the Paris terror attacks was particularly moving. A full report on the event would be made to a future Council meeting.
- The Chancellors Autumn Statement would result in local services bearing the brunt of cuts, with a headline funding cut of 56% for local authorities, on top of 40% of cuts in funding since 2010. The cuts had been criticised by both Lord Porter, the Conservative Chairman of the LGA and by Jon Trickett, Shadow Secretary of State for Communities and Local Government. Since 2010, County Durham had made cuts of £120m, which was twice the budgets of all the former District Council's, and this was set to double by 2020. A financial tsunami was facing council services.

Cabinet next week would be starting to consider cuts to more than 70 budget items, with more cuts to follow. The Council had operated sound financial management through its Resources team. As a result it was in a more robust position than other Councils, and it had adopted a managed approach to reduced service provision. Public consultation events would be held in Peterlee, Bishop Auckland and Durham to seek the priorities of the public, which previously had been the elderly, vulnerable young people and winter maintenance.

The Leader informed the Council that no guarantees about the future of services could be given and that come 2020 services from the Council would be unrecognisable from existing services.

The Leader wished all Members best wishes for Christmas and the New Year.

5 Questions from Area Action Partnerships

Questions had been received from the Bishop Auckland and Shildon Area Action Partnership, and the Weardale Area Action Partnership relating to the following:

- What the Council was doing to address the issue of suicides by children and young people and whether this work could be affected by the public health budget decisions within the Government's Comprehensive Spending Review
- What measures the Council planned to put in place to ensure those living in rural areas continued to have access to services.

Andrew Walker, Bishop Auckland and Shildon AAP Co-ordinator was in attendance to ask their question and Angela Maddison. Wear Valley AAP Co-ordinator was in attendance to ask their question.

Councillor Lucy Hovvels, Portfolio Holder for Adult and Health Services thanked the Bishop Auckland and Shildon AAP for their question and provided a response. Councillor Eddie Tomlinson, Portfolio Holder for Assets, Strategic Housing and Rural Issues thanked the Wear Valley AAP for their question and provided a response.

The Head of Legal and Democratic Services informed the Council that the questions, together with the responses, would be placed on the Council's website and a copy of the responses would also be sent direct to the Area Action Partnerships.

6 Questions from the Public

There were no questions from the public.

7 Petitions

There were no petitions for consideration.

8 Report from the Cabinet

The Leader of the Council provided the Council with an update of business discussed by the Cabinet at its meetings held on 21 October and 18 November 2015 (for copy see file of Minutes).

Councillor C Marshall referred to the decision of Cabinet to move the DLI Museum to the heart of the City and asked what was being done to ensure that the heritage of the regiment continued to be honoured.

Councillor N Foster, Cabinet Portfolio Holder for Economic Regeneration informed Council that a Motion in respect of this had been received for today's meeting and that the Head of Legal and Democratic Services would be providing advice on the validity and scope of the Motion.

Councillor N Foster informed Council that in adopting the report the Cabinet recognised the heritage of the DLI regiment must not only be maintained and preserved for future generations, but honoured as widely as possible.

Cabinet also recognised, as a city containing a World Heritage Site, that it was also important to provide an excellent cultural offer, both for the benefit of the County's own residents and the many thousands of tourists who came to visit the County each year.

However, it also needed to be recognised that what the Council had done before may no longer be appropriate or sustainable, and the Council must therefore look for opportunities for how it could make the most of what it had.

In consultation with the DLI Trustees, whose role was to do what was best for the collection, and in partnership with Durham University, the Council had sought to find a new way of telling the DLI story, a way that would take it to the heart of the World Heritage Site, with its more than 600,000 visitors a year, and give it the far greater audience it rightly deserved.

In addition the Council had been working with Army Museums Ogilby Trust, the recognised authority in this area.

Meetings had already been held with many of those who had strong views on the future of the museum and the Council welcomed the opportunity to meet others in order that this could help shape the future of the collection and how the many important artefacts it contained could be exhibited.

The Council understood there had been significant public concern about the proposed changes, particularly with the idea that the Council was seeking to lock much of the collection away from public view, but that was simply not true.

The Council, as one of the few local authorities which still funded a regimental museum, was committed to multiple exhibitions over the next five years to showcase much of what was currently on display, as well as many items, photos and stories which weren't.

At the same time the Council wanted to provide a new more suitable home for those items not included in exhibitions, with a publicly accessible research facility at Spennymoor at which curators, conservators and volunteers would be able to study and work on items.

Both of those were longer term commitments to the DLI. Work was well underway on an exciting programme of events for 2016 that further explore and commemorate the role of Durham men and women at war.

The Council was very aware of the importance of the DLI both to the history and people of the county and beyond. Plans which were being developed with the input of many would offer both a fitting tribute to those who served with the regiment, and ensure the continuation of the collection for many years to come.

The Head of Legal and Democratic Services advised Council that the Motion submitted by Councillor Wilkes sought the Council to agree to delay a decision made by Cabinet, which was an Executive function. As such Councillor Wilkes had agreed to amend his Motion to seek Cabinet to delay the decision.

9 North East Combined Authority Devolution Deal: A poll for County Durham

The Council considered a report of the Leader of the Council which sought agreement to the funding of a consultative poll in relation to the proposed devolution deal with the North East Combined Authority (for copy see file of Minutes).

A supplementary Appendix 2 was circulated to Members which provided further details regarding the methodology for conducting the poll, the timeline, the cost and the poll questions.

Councillor R Bell expressed disappointment that the Appendix 2 document had not been emailed to all Members when it became available and asked what briefings the Labour Group had on the proposed poll questions prior to today's meeting. The report and appendix omitted to outline what the options would be for County Durham if the devolution deal went ahead without the County being part of it. Referring to the powers of the Elected Mayor, Appendix 2 stated that these were not yet clear, yet the Government was clear that it wanted powerful Elected Regional Mayors.

Councillor Henig replied that the questions and wording for the proposed poll had been prepared by Durham University and had only been available this week. Councillor Henig informed Councillor Bell that he would have provided a briefing to any political group and apologised that the Appendix 2 had not been circulated by email. It was unknown what the options might be for the County should it not be part of the devolution deal and it was not right to speculate on this.

In preparing the poll questions and background information the University had attempted to demonstrate that some aspects of the devolution deal were fluid. The Bill for devolution had not yet been passed in Parliament and amendments to it had

been tabled as recently as Monday of this week. The Council could only put before the electorate what was currently known and the results of the poll would be discussed once these were known. If there was a negative result for the devolution deal, options would need to be considered.

While it was clear that an Elected Mayor was part of the devolution deal, it was not clear cut that this would be a powerful Elected Regional Mayor. Discussions were ongoing regarding voting arrangements around the Mayor and other areas of the country were still considering this.

Councillor Shuttleworth suggested that the poll question should have been a simple yes/no answer and asked whether the poll would be binding on the Council.

Councillor Henig replied that only full Council or Cabinet had the legal power to decide on the devolution deal. The poll was not a referendum, but even if it was, only Council or Cabinet could make the decision. The Head of Legal and Democratic Services added that in legislation, apart from certain areas where a referendum could be conducted, the result of the poll was not binding on the Council.

10 Mid-Year Report for the Period to 30 September 2015 on Treasury Management Service

The Council considered a report of the Corporate Director, Resources regarding the mid-year position on the treasury management service to 30 September 2015 (for copy see file of Minutes).

The Corporate Director, Resources informed the Council that the report also included a forward looking annual treasury strategy and backward looking performance against the previous strategy as well as incorporating the needs of the 'Prudential Code', which was regarded as best operational practice.

An update was also provided to the Council in relation to the recovery position regarding deposits made to Icelandic Banks which collapsed in 2008. The Council had recovered £7.036m against the original £7m deposited and it was recommended that this matter could now be closed.

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

Resolved

- (i) That the mid-year treasury management position for 2015/16 be noted; and
- (ii) That the Council agree no further reporting was required on the Icelandic Bank Deposit on the basis that the full £7m had been recovered.

11 Audit Committee Progress Report for the period February 2015 to September 2015

The Council noted a report from the Audit Committee which detailed the work undertaken by the Committee during the period February to September 2015 (for copy see file of Minutes).

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

The Committee had experienced a small change during the year with three Members leaving the committee and three Members joining. The Committee welcomed Councillors John Robinson, Joanne Carr and Mark Davinson and placed on record its thanks to Councillors Jed Hillary, Sonia Forster and Tracie Smith for their work over the past two years and the valuable contribution they brought to the Committee.

There were three key areas of the Committee's work in this period that Councillor Bell drew attention to:

Annual Internal Audit Plan

In June 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 was proposed and agreed the work programme for the coming year.

The work completed by Internal Audit continued to provide assurance to the Committee that the Council's control environment, governance arrangements and management of its risks was sound.

Internal Audit continued to update the Committee on a quarterly basis. The Committee provided the appropriate challenge and a number of officers had attended to provide explanations and answer questions.

The Statement of Accounts

In September the Committee received the audit completion letters from the external auditor, Mazars. This was the third financial year Mazars had completed an external audit on 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 again on both sets of financial statements for the County Council and the Pension Fund.

The continuing good work of the Council's Corporate Fraud Team

The Chief Internal Auditor and Corporate Fraud Manager had updated the Audit Committee on the work being completed in terms of proactive counter fraud work.

In particular the work completed in accordance with the National Fraud Initiative around Single Person Discount eligibility, which when it was completed returned the Council around £320,000 and ensured that people use the process fairly and correctly.

The report also demonstrated activity that was being completed across the Council in order to deter fraud from occurring at the outset and that prevention was indeed better than cure.

12 Motions on Notice

Councillor N Martin **Moved** suspension of Standing Order 11.6 to allow all Motions submitted to Council to be considered and informed Council that if this was to be opposed, he would be seeking a named vote in accordance with Standing Order 16.4. This was **Seconded** by Councillor D Stoker.

Councillor C Marshall opposed the suspension of Standing Order 11.6, which was in the Constitution as agreed by Council.

In accordance with Standing Order 16.4 Councillor Martin sought a named vote on the suspension of Standing Order 11.6. The requirements were met.

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

For the Motion:

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

Against the Motion

Councillors E Adam, J Armstrong, B Avery, A Batey, D Bell, E Bell, J Bell, H Bennett, J Blakey, G Bleasdale, A Bonner, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, 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, K Henig, S Henig, J Hillary, M Hodgson, K Hopper, L Hovvels, E Huntington, S Iveson, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, H Liddle, J Lindsay, A Liversidge, R Lumsdon, J Maitland, C Marshall, L Marshall, J Measor, O Milburn, B Moir, S Morrison, A Napier, T Nearney, H Nicholson, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, K Shaw, H Smith, T Smith, B Stephens, P Stradling, A Surtees, L Taylor, F Tinsley, E Tomlinson, J Turnbull, A Turner, A M Williams and C Wilson.

In accordance with a Notice of Motion, it was **Moved** by Councillor J Brown and **Seconded** by Councillor K Shaw:

Council believes:

- *The right to strike and protest are fundamental rights which should be respected in a free and democratic society;*

- *The Conservative government's bill will undermine constructive employment relations across County Durham and that harmonious industrial relations are achieved by meaningful engagement and not additional legal restrictions to trade union members;*
- *The government's Trade Union Bill is part of a disturbing trend to erode civil liberties and inhibit the right to speak out or protest against the government;*
- *The Conservative government's Trade Union Bill is a politically-motivated attack on trade unions and could have negative consequences for working people across Country and in society.*

Council resolves:

- *To write to the Secretary of State for Business, Innovation and Skills stating the council's opposition to their Trade Union Bill and to participate in any consultations;*
- *Support the Northern TUC and civil liberties groups in campaigning to defend the right to strike and oppose the Trade Union Bill;*
- *Continue to value the importance of meaningful workforce engagement and representation through trade unions in County Durham.*

Councillor Martin **Moved** that under Standing Order 13.10 the Motion be put. This was **Seconded** by Councillor D Stoker.

Councillor C Marshall responded that there were number of people in the queue wishing to speak on the Motion. Councillor Glass added that it would be an appalling breach of the Constitution if Councillor Brown's Motion was not debated.

Upon a vote being taken Councillor Martin's Motion was **lost**.

Councillors Maitland, Geldard, Surtees, Gunn, Conway, Davinson and Napier all spoke in favour of Councillor Brown's Motion. Councillor R Bell, while not supporting the introduction of agency staff during strike action, informed the Council that he could not support the motion because the Trade Union Bill contained many positive aspects.

Upon a vote being taken, the Motion was **carried**.

The Chairman informed Council that the time limit for debating Motions had expired and that the two Motions on the agenda which had not been considered could be brought to the next meeting.

13 Questions from Members

There were no questions from Members.

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20 January 2016

Report from the Cabinet



Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 16 December 2015 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 19 January 2016 in order for them to be displayed on the screens in the Council Chamber.

Contents

16 December

- Item 1 Medium Term Financial Plan (6) 2016-17 2019/20 and
 2016/17 Budget Update
 Key Decision: CORP/R/15/02
- Item 2 Quarter Two 2015/16 Performance Management Report
- Item 3 Children's Services Update
- Item 4 Care Leavers Strategy
- Item 5 Durham Humanitarian Support Partnership

- 1. **Medium Term Financial Plan (6) 2016-17 2019/20 and 2016/17
Budget Update**
 Key Decision: CORP/R/15/02
 **Leader and Deputy Leader of the Council – Councillors Simon
Henig, and Alan Napier**
 Contact – Jeff Garfoot 03000 261945

We have considered a joint report of the Corporate Director, Resources and the Assistant Chief Executive which provided an update on the development of the 2016/17 budget and the Medium Term Financial Plan 2016/17 to 2019/20 (MTFP(6)) that took into account forecasts from the Chancellor of the Exchequer's Spending Review published on 25 November 2015.

The MTFP (6) report to Cabinet on 15 July 2015 provided details of the Chancellor of the Exchequer's Summer Budget published on 8 July 2015. Although the size of funding reductions faced by local government are still severe, the pace of funding reductions appeared to be eased in 2016/17 with savings spread over a four year period to 2019/20. Further clarity was expected in relation to the size of government funding reductions when the Spending Review was published on 25 November 2015 and when the Local Government Finance Settlement was received in December 2015.

It was forecast in July that the council would face funding reductions of £78m over the 2016/17 to 2019/20 period. When known budget pressures were taken into account at that time, savings targets for the three years 2016/17 to 2018/19 were forecast to be £103m bringing the total savings since 2011/12 to £256m. The Chancellor of the Exchequer published the government's Spending Review on 25 November 2015. Early analysis of the impact of the Review on local government is that it will be far reaching in terms of future funding levels and the overall functions being provided by local government in the long run.

The Chancellor announced an improvement in the public finance forecasts, which has enabled the government to withdraw previously planned tax credit cuts, protect Police budgets and ease the pressure on the majority of unprotected government departments. Unfortunately this protection has not been afforded to local government and in cash terms the average reduction in budgets for unprotected departments over the 2016/17 to 2019/20 period is circa 6% whereas the cash reduction for local government over the same period is circa 53%.

Initial interpretation of the Spending Review implications show the amount of funding reductions for the four year period 2016/17 to 2019/20 could be less than the £78m reported to Cabinet in July 2015 at circa £70m but could also be as high as circa £85m. The position will become clearer when the council receives its actual finance settlement in mid-December 2015, but at this point it is prudent to forecast a reduction in Revenue Support Grant (RSG) across the four year period of £85m in total, with a £25m reduction anticipated in 2016/17 compared to a £15m reduction that we were forecasting in July.

The Spending Review also announced further changes to local government grants which will have a detrimental impact on service provision. Reductions of 3.9% per annum in real terms were announced in Public Health grant whilst the remainder of the NHS budget is to annual receive real terms increases. In addition, the government announced a 60% reduction in the Education Services Grant (ESG) on the back of a review of all statutory duties provided by local authorities to schools. The council presently receives ESG of £6m and a significant proportion of this grant could be at risk, but the position is not clear at this stage.

In recognition of unitary and upper tier local authorities experiencing financial pressures in their adult social care services, the Spending Review has given

them powers to increase council tax by a further 2% over the current 2% council tax referendum level to invest specifically in Adult Social Care.

It would appear that the offer of ongoing 'council tax freeze' grants are to be abolished as part of the 2016/17 financial settlement.

In addition, the government also announced that an extra £1.5bn will be available to local government over the 2017/18 to 2019/20 period from the Better Care Fund to invest in social care. This funding is welcome, but at this stage there is no detail on how this new funding is to be financed, on allocations for local authorities or on any conditions which may be associated with this allocation.

The production of DCLG Department Expenditure Limits (DEL) control totals for the period to 2019/20 has enabled the council to develop a four year MTFP. It is forecast at this stage that 2019/20 should be the last year DCLG budgets will be cut and as such local government budgets should cease to face further funding reductions. It is also helpful to have a four year plan as the full scope of savings requirements can now be considered as part of MTFP (6)

Based on an estimated £85m RSG reduction over this period and still using an assumed Council Tax increase of 2% in each of the next four years at this stage in line with previous Cabinet decisions, the savings required to balance the budget over the period 2016/17 to 2019/20 are forecast to be £134.7m.

The January 2016 MTFP (6) Cabinet report will be based upon the actual Local Government Finance settlement and will provide final clarity for 2016/17 and greater certainty for the whole MTFP (6) period.

The Council is continuing its medium term financial strategy to protect frontline services as far as possible and to engage the public and partners in developing and implementing savings. The first phase of consultation is complete and is summarised within the report. The second stage will involve further consultation through Area Action Partnership events to discuss the details of the 2016/17 savings proposals contained in Appendix 3 and described within the report. An outline approach to developing 2017/18 proposals is also described. As in previous MTFP reports, equality impact assessments are also summarised to inform the consultation and subsequent decision-making. Workforce implications arising from proposals for 16/17 savings have been analysed and the projections for the number of posts to be removed as a consequence of austerity have been increased by an estimated 400 posts.

Decision

We have:

- (i) Noted the impact of the Spending Review detailed in the report.

- (ii) Noted that at this stage there is significant uncertainty in relation to the impact on the Council. Further clarity will be received when the Council receives the local government financial settlement in mid-December and receives details of all specific grants.
- (iii) Noted the adjustments to the 2016/17 Budget model and the revised savings target of £40.567m.
- (iv) Noted the revised savings target for the 2016/17 to 2019/20 period of £134.7m.
- (v) Noted the forecast utilisation of £25.1m of Budget Support Reserve.
- (vi) Noted the savings detailed in Appendix 3 of the report to achieve £61.833m of savings in 2016/17 and 2017/18.
- (vii) Considered the equality impacts identified and mitigating actions both in the report and in the individual equality impact assessments which have been made available in the Members' Resource Centre.
- (viii) Noted the programme of future work to ensure full impact assessments are available, where appropriate, at the point of decision-making, once all necessary consultations have been completed.
- (ix) Noted the ongoing work to assess cumulative impacts over the MTFP period which is regularly reported to Cabinet.
- (x) Agreed to consult on the savings proposals in Appendix 3 of the report.

**2. Quarter Two 2015/16 Performance Management Report
Leader of the Council – Councillor Simon Henig
Contact – Jenny Haworth 03000 268071**

We have considered the Quarter Two Performance Management Report of the Assistant Chief Executive which presented progress against the council's corporate basket of performance indicators (PIs), Council Plan and service plan actions and reported other performance issues for the second quarter of the 2015/16 financial year, covering the period July to September 2015.

It was reported that overall there continues to be good progress made during the quarter. Housing development and homelessness continue to improve. Child safeguarding has generally improved and good adult care provision continues. Crime and anti-social behaviour levels are decreasing. Challenges continue in the level of unemployment. Provisional data indicates that GCSE rates are worse than national levels and the educational achievement gap has widened for key stages two and four. Planning

applications determined in deadline continue to deteriorate and benefit claims processing times are slightly worse. Sickness levels remain higher than acceptable.

Reductions in demand for some key areas continue in child protection cases, fly-tipping incidents, the number of customers seen at our customer access points and new claims for housing benefit and council tax reduction. Increased demand has been evident in the number of looked after children cases and the number of children in need referrals. Freedom of Information (FOI) Act or Environmental Information Regulations (EIR) requests and planning applications received have all increased.

Decision

We have:

- Noted the performance of the council at quarter two and the actions to remedy under performance.
- Agreed all changes to the Council Plan outlined below:

Amendments

Altogether Wealthier

- i. Establishing planning consent for Aykley Heads due May 2016. Revised date: June 2016.
- ii. Construction of a new Railway Station at Horden on the Durham Coast Railway Line due August 2017. Revised date: November 2017.
- iii. Supporting the development of a Heritage Lottery application to secure funding to restore the historic quay in Seaham and improve public access to facilities due October 2015. Revised date: January 2016.
- iv. Implementation of the delivery plan for the Seaham Colliery site with the Homes and Communities Agency due March 2016. Revised date: January 2017.
- v. Work with the land owner to agree a programme of works for Festival Walk at Spennymoor due October 2015. Revised date: December 2015.

Altogether Better for Children and Young People

- i. Implement the Youth Support Strategy, by reviewing youth support services to provide a clear focus on delivering targeted support to young people vulnerable to poor outcomes; and Working with the voluntary and community sector to provide a

targeted offer of positive activities to young people in County Durham due March 2016. Revised date: November 2016.

Altogether Healthier

- i. Implement the specific requirements of the Care Act 2014 for adult social care by implementing an integrated transitions team due September 2015. Revised date: April 2016.

Altogether Safer

- i. Strengthen the effectiveness of the Joint Partnership Team (DCC and the Police) by enhancing the Problem Solving Model and integrating the work of the Safer Neighbourhood Units with other community safety operations due July 2015. Revised date: March 2016.

Altogether Greener

- i. Develop and improve the strategic cycle route network across County Durham due March 2016. Revised date: October 2016.

Deletions

- i. Restore the former boys Grammar School (Laurel Buildings) in Bishop Auckland back to economic use.
- ii. Reviewing the assessment process to take into account additional demand from self-funders (Care Act, phase two)

3. 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 provided an update on the national and local developments in relation to Children's Services. The report updated on progress since the report presented to Cabinet on 15 April 2015.

At a local level, the Durham Local Safeguarding Children Board (LSCB) has prioritised work on child sexual exploitation since 2011. Progress in the last six months includes a new training tactic to identify and disrupt offenders, and, working with AAPs and schools to raise awareness of child sexual exploitation.

The Multi Agency Safeguarding Hub (MASH) was launched on 2 March 2015. This is a multi-disciplinary team which works together to screen, gather, analyse and share information relating to concerns about children in County Durham who may be at risk of harm or require support services. Since the launch, MASH has dealt with over three thousand concerns about children and young people.

Durham has been 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 and the other was for a £3.26 million to deliver a new approach to social work and to work with families building on the hearing from past initiatives in Durham and elsewhere. This has led to the creation of Families First Teams, the strengthening of third sector alliances, and enhanced service user engagement.

Durham successfully implemented and delivered Phase 1 of the Stronger Families programme and achieved its full target of 'turning around' 1,320 families by March 2015.

The report shows improvements in performance across a range of key indicators. As at the end of September 2015 reductions and favourable benchmarking comparisons were shown in the number and rate of children in need and the number and rate of children whose needs are met through a Child Protection Plan. The rate of children in need re-referrals is also reducing. As at end of September 2015, a high proportion of looked after children are in foster care. Provisional data as at 31st March 2015 shows 90.6% of children are placed within 20 miles of home; 78.6% within the boundaries of County Durham. This rate is better than the national level. There has been improvement in the timescales for the average number of days between a child entering care and moving in with its adoptive family. For quarter 1 2015/16 Durham's average continues to improve and shows a favourable position when compared to the national average.

The work and performance outlined in the report has been achieved through continued budgetary pressures. There is a continuing difficulty in recruiting social work middle managers. Additionally caseloads remain high in some teams although actions have been taken to reduce this pressure, which are beginning to have an impact. Children's Services has embarked on an ambitious programme of transformation whilst ensuring existing services continue to deliver good services to children and their families.

Decision

We have:

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

4. Care Leavers Strategy 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 presented the Care Leavers Strategy for Durham County Council.

The National Care Leavers Strategy was launched in October 2013 and sets out the actions that government departments will take in order to improve the support care leavers receive during their transition to adulthood and independence. Children often enter the care system with a poorer level of physical and mental health needs than their peers and their outcomes are poorer than their peers. The Care Leavers strategy sets out the Council's ambition and intentions for care leavers.

A 'one year on' progress update to the Care Leavers Strategy was launched by the Department of Education in October 2014. This outlined clear expectations for local authorities' support for care leavers. In order to summarise how the Council will meet all expectations placed on the local authority, a three year Care Leavers Strategy has been produced which was attached to the Cabinet report. There has been broad consultation and the final strategy reflects the comments provided during the consultation process.

Decision

We have approved the Care Leavers' Strategy.

5. Durham Humanitarian Support Partnership Cabinet Portfolio Holder – Councillor Eddie Tomlinson Contact – Gordon Elliott 03000 263605

We have considered a report of the Assistant Chief Executive which updated on the Government's response to the Syrian refugee crisis. The report outlined the work of the Durham Humanitarian Support Partnership and working group and sought an agreement for Durham to take part in the Syrian Vulnerable Persons Relocation (SVPR) scheme in line with the approach recommended by the Durham Humanitarian Support Partnership. Delegated authority was sought for the Assistant Chief Executive, in consultation with the Portfolio Holder for Assets, Strategic Housing and Rural issues to agree Durham's response to the accommodation of asylum seekers and refugees in the County.

In order to consider how the County can best support the UK's response to the crisis, the Council established the Durham Humanitarian Support Partnership which met for the first time on 25 September 2015. The partnership agreed the following response to the Home Office's request to local authorities for support to progress the Syrian Refugee Relocation Scheme:

"Durham County Council and partners recognise that the current crisis in Syria is a national issue and welcomes the national commitment to ensure that support is resourced. We therefore support the UK's response to the crisis and are preparing to play our part in welcoming refugees to County Durham". The partnership also approved the establishment of a working group to plan the requirements for welcoming and support refugees, including capacity within the County. The Council continues to coordinate offers of support and assistance from the public and organisations.

The Partnership has proposed that an incremental approach be adopted to ensure refugees are able to settle and become part of the community in the County and they have proposed that:

- The County should consider offering support which is in line with the Council's share of the national population (equating to circa 200 Syrian refugees over five years) and the offer should focus on family groups.
- Within 12 months of the first group of refugees arriving in the County, an evaluation be completed into the effectiveness of the programme to determine if the number of Syrian refugees settled in County Durham could be increased.

Decision

We have:

- Noted and endorsed the work carried out by the Durham Humanitarian Support Partnership.
- Agreed the proposed response to the Syrian Vulnerable Persons Relocation Scheme and widening dispersal scheme set out in the report.
- Agreed to delegate authority to progress Durham's offer of support to the Assistant Chief Executive, in consultation with the Portfolio Holder for Assets, Strategic Housing and Rural Issues.

Councillor S Henig
Leader of the County Council

12 January 2016

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County Council

20 January 2016

**Community Governance Review –
Pelton Fell**



**Report of Colette Longbottom, Head of Legal and Democratic
Services**

Purpose of the Report

- 1 To present to Council the outcome of the consultation undertaken as part of the Community Governance Review (Review) of Pelton Fell and to recommend further consultation in the area under Review.

Background

- 2 On 23 September 2015, the County Council resolved to undertake a Review following receipt of a valid petition from Pelton Fell Community Partnership (the Partnership) which sought for Pelton Fell to have an independent community council. For the avoidance of doubt, it was understood that the petitioners were seeking a parish council to be known as a community 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 community governance arrangements in accordance with the petition submitted by the Partnership. This would see the unparished area of Pelton Fell, as shown on the map in Appendix 3, become parished and have its own community council.

Option 2

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

Consultation

- 4 The terms of reference for the Review were published on 23 September 2015, and a consultation exercise was undertaken in accordance with the agreed timetable.

Properties in Pelton Fell

900 consultation documents were sent out to affected properties and 110 responses were received. Of those 110 responses, 62 respondents selected option 1 (in favour of a community council) and 48 respondents selected option 2 (no change to community governance arrangements). The responses have been broken down further with a summary of associated comments in the table below:-

Forms issued	Forms returned	Option 1 Number of responses & summary of associated comments	Option 2 Number of responses & summary of associated comments
900	110	62 <ul style="list-style-type: none">• Ability to bring suggestions to own council• Greater influence on local services provided• Better community and help bring people together	48 <ul style="list-style-type: none">• Current arrangements adequate• Can't afford increase in council tax• Would bring increased costs and bureaucracy

Web Form

The consultation document and response form were 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 for North Durham Kevan Jones, the Chester-le-Street and District Area Action Partnership, the County Durham Association of Local Councils (CDALC), the two local County Councillors, Waldrige Parish Council, North Lodge Parish Council, Edmondsley Parish Council, and Pelton Parish Council.

The CDALC Executive Committee responded to the consultation and confirmed that it had resolved that they would be happy to concur with the wishes of the residents of Pelton Fell following the Review process.

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

The Law, Duties and Guidance

- 5 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply with various duties when undertaking a community governance review, including:
 - (a) It must have regard to the need to secure that community governance within the area under review:-
 - (i) Reflects the identities and interests of the community in that area;
 - (ii) Is effective and convenient.
 - (b) In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions.
 - (i) 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.
 - (c) The Council must take in to account any representations received in connection with the review.
- 6 Under Section 100 of the Act, the Council must also have regard to guidance issued by the Secretary of State. In March 2010 the Department for Communities and Local Government and the Local Government Boundary Commission for England, published guidance on Reviews.
- 7 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.
- 8 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.

- 9 The guidance 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.
- 10 The Council must also take into account other arrangements that have been made and could be made for the purposes of community engagement and they must consider the representations received in connection with the review.
- 11 Whilst the guidance is generally supportive of parish councils, it is not prescriptive and does not state that they should be routinely formed. Indeed in parts of the guidance it stresses that the statutory duty is to take account of any representations received and gives the view that where a council has conducted a review following receipt of a petition it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wish the council to make. It also acknowledges that a recommendation to abolish or establish a parish council may negatively impact on community cohesion and that there is flexibility for councils 'not to feel forced' to recommend that the matters included in every petition must be implemented.

Constituting a New Parish

- 12 The Review will need to consider a hierarchy of topics, described in Association of Electoral Administrators literature as dependent upon and related to the other:-

Parish Areas

- creating, merging and abolishing parishes;
- parishing previously un-parished areas;
- lesser boundary alterations between existing parishes;
- grouping parishes under a common council or dissolving groups;
- parish name changes;
- alternative styles for any new parishes.

Electoral Arrangements

- whether to have a parish council or not;
- the size of the council;
- whether to ward the parish or not;
- drawing up appropriate ward boundaries;
- allocating councillors to wards.

Consequential Matters

- recommendations to the Local Government Boundary Commission for England for changes to the unitary/county/borough/district divisions or wards;

- dealing with assets – fixed and otherwise;
- setting a precept for the new council;
- first elections and electoral cycles;
- setting the commencement dates.

Parish – new and existing parishes

A new parish is:-

- establishing an unparished area as a parish;
- aggregating one or more unparished areas with one or more parished areas;
- aggregating parts of parishes;
- amalgamating two or more parishes;
- separating part of a parish.

If a new parish is set up, the review needs to make recommendations as to the name of the parish, as to whether or not it should have a parish council, the electoral arrangements of that council and whether or not the new parish should have one of the alternative styles.

Parish names and alternative style

Where a new parish has been constituted, the review must make recommendations as to the name of the new parish and whether it should have an alternative style.

Where the review makes recommendations that a parish should have a council or an existing parish council should be retained, the review must also make recommendations with regard to the electoral arrangements or changes to electoral arrangements.

Electoral arrangements

- The year in which ordinary elections of councillors to be held.
- The number of councillors to be elected to the council (or in the case of a common council, the number of councillors to be elected to the council by each parish).
- The division (or not of the parish), or (in the case of a common council) any of the parishes into wards for the purposes of electing councillors.
- The number and boundaries of any such wards.
- The number of councillors to be elected for any such ward.
- The name of any such ward.

Duties with regard to parishes in relation to the number of electors are prescribed in section 94 of the Local Government and Public Involvement in Health Act 2007 (the Act) and are set out in the table overleaf:-

1	The parish has 1,000 or more local government electors	The review must recommend that the parish should have a council
2	The parish has 150 or fewer local government electors and does not currently have a council	The review must recommend that the parish should not have a council
3	The parish has 150 or fewer local government electors and currently has a council or was part of a parish that had a council	It is for the principal council to decide whether or not the parish should have a council
4	The parish has between 150 and 1000 electors	It is for the principal council to decide whether or not the parish should have a council

Councillor Numbers

The minimum legal number of parish councillors for each parish council is five. There is no maximum number and there is no other legislative guidance. The only other requirement is that each parish in a grouping arrangement must have at least one member on the common council.

National Association of Local Councils (NALC) published guidance in 1988. It recommended that a council of no more than the legal minimum of five members is inconveniently small and considers a practical minimum should be seven. It does, however, state that local council business does not usually require a large body of councillors and business convenience makes it appropriate to suggest that the practical maximum should be twenty five.

Aston Business School has also carried out research and the recommended figures by both the NALC and Aston are reproduced below. Within those minimum and maximum limits, the following allocations were recommended by NALC:

Electors	Councillors	Electors	Councillors
Up to 900	7	10,400	17
1,400	8	11,900	18
2,000	9	13,500	19
2,700	10	15,200	20
3,500	11	17,000	21
4,400	12	18,900	22
5,400	13	20,900	23
6,500	14	23,000	24
7,700	15	Over 23,000	25
9,000	16		

However, in rural authorities with sparsity of population, even this table may not be appropriate.

The Aston Business School's research was published in 1992. It showed the then levels of representation and it is likely that these levels of representation have not greatly changed in the intervening years.

Electors	Councillors
<500	5-8
501-2,500	6-12
2,501-10,000	9-16
10,001-20,000	13-27
>20,000	13-31

The Local Government Boundary Commission for England (LGBCE) is of the view that each area should be considered on its own merits having regard to population, geography, the pattern of communities and to the current powers of parish councils.

When considering the number of electors, the council must have regard to:-

- (a) The number of local government electors of the parish; and
- (b) Any change in that number which is likely to occur in the period of five years beginning with the day when the review starts.

Warding

Warding arrangements are dealt with under section 95 of the Act. In considering whether to recommend that a parish should or should not be divided into wards, the principal council should consider the following:-

- Whether the number, or distribution, of the local government electorate for the parish would make a single election of councillors impracticable or inconvenient.
- Whether it is desirable that any area or areas of the parish should be separately represented on the council.
- Whether Governance is effective and convenient. Guidance suggests that it might be relevant to ask if the additional cost of separate ward elections in some cases would represent an effective use of the parish's limited resources. The LGBCE stated 'there must be a reasonable number of local government electors in the parish ward to make the election of a council viable and the commission considers that a hundred electors is an appropriate lower limit.

If the council decides to recommend that the parish should be divided into wards, it must have regard to the following when considering the size and boundaries of the wards and the number of councillors to be elected:-

- The number of local government electors for the parish;
- Any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review ends;
- The desirability of fixing boundaries which are, and will remain, easily identifiable; and
- Any local ties which will be broken by the fixing of any particular boundaries.

The Government also advises that another relevant consideration in the warding of parishes is the layout of the principal council electoral areas. No unwarded parish should be divided by district or county division boundary and no parish should be split by such a boundary.

The number of councillors should be proportional to electoral sizes across parish wards. LGBCE's guidance states that "each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors when it comes to the election of councillors".

Precept

If a community council was to be established it would be able to levy a precept against the electorate. The County Council would be obliged to set the precept for its first year of operation, and in subsequent years it would be for the elected council to set its own precept, taking into account the services it plans to provide. When deciding the amount of precept, the County Council would need to ensure that it complies with the law and provides enough money for the new council to fulfil those duties which, in its first year, need to be budgeted and/or paid for. These include to employ a clerk, meet at least four times a year (if location costs are payable), secure insurance cover, pay internal and external auditors, manage any physical assets and establish a bank account.

Consultation Analysis

- 13 From the relevant electorate of which there were 900 properties identified; 110 responses were received, which equated to a 12% response. From those that responded, 56% were in favour of the proposals, which equates to 6.87% of the total households consulted in favour, and 5.33% against.
- 14 The outcome of this consultation is that the household questionnaires returned to the Council show a very marginal support for the formation of a new council in a limited return. From the relatively small number of responses received the most that can be assumed from those who did not respond is that they have no views either way.

- 15 The views expressed by those in support of the formation of a community council include the ability to bring suggestions to its own council, greater influence on the local services provided, and that it would provide for a better community in helping to bring people together.
- 16 The written representations against the formation of a community council largely pick up the themes of the cost which would bring an increase in council tax, that it would bring an extra layer of bureaucracy, and that the current arrangements are adequate.
- 17 The following table contains a summary of factors for and against the formation of a community council in this Review:

Factors Favouring Formation of a community Council	Factors Not Favouring Formation of a community council
Statutory guidance is generally supportive of parish council formation.	The guidance is not prescriptive.
The formation proposed would be effective and convenient.	Imposing arrangements where there is marginal support is arguably not proposing effective arrangements and may undermine community cohesion.
A petition was proposed requesting formation which demonstrated clear support for the formation of a council.	The petition initiated the Review process. The Review has involved the production of proposals for a council and residents have now given their views on this. The guidance does not contain any expectation on councils to be bound by the petition.
A community council would be able to provide additional local services.	There are other forms of community governance in place for example: <ul style="list-style-type: none"> • The Area Action Partnership allows for issues to be raised in advance. • There are groups and associations in the area which provide for “other arrangements for community engagement in the area” <p>By the formation of the associations referred to above, the population</p>

	has shown considerable aptitude to form its own associations to address local issues.
	The costs of a community council at a time of austerity. The current economic climate is one of austerity the council may wish to consider carefully whether a precept raising body should be created.
A majority of the questionnaires favour formation.	This was not a binding ballot. The limited return and the narrow margin in favour of creation justifies caution in following a simple majority.

Conclusions

- 18 It can be seen that the outcome of the consultation in this Review is very finely balanced in nature. At its meeting on 8 December 2015, Constitution Working Group agreed to make a recommendation to Council that a further consultation should be undertaken with the householders in the area and the statutory consultees. The Group agreed that the additional consultation should provide information about what a community council would look like if established, including its size, and the precept set for its first year as set out in Appendix 2 of the report. The consultation would offer two options in the Review:-

Option 1:- That the current community governance arrangements in the unparished area of Pelton Fell remain unchanged, and therefore no community council would be established.

Option 2:- That the current community governance arrangements in the unparished area of Pelton Fell are changed by parishing the area and establishing a community council.

- 19 A further period of consultation would require the timetable for the Review that was agreed at Council on 23 September 2015 to be revised accordingly. The revised timetable is as set out below:-

Revised Timetable for the Review

	Time Span	Action
Publication of Terms of Reference		23 September 2015
Consultation process - Invitation of initial submissions	6 weeks	23 September 2015
Analysis/evaluation of submissions and preparation of draft proposals	6 weeks	6 November 2015
Publication of Revised Terms of Reference		20 January 2016

Further Consultation process- on 2 options		20 January 2016
Analysis/evaluation of submissions and preparation of draft proposals	6 weeks	2 March 2016
Publication of draft proposals		13 April 2016
Consultation on draft proposals	6 weeks	13 April 2016
Analysis/evaluation of draft proposals and preparation of final recommendations	6 weeks	25 May 2016
Publication of final recommendations and agreement to make re-organisation Order, if appropriate		20 June 2016
Preparation and publication of any reorganisation Order	One month	20 July 2016

Recommendations and reasons

- 20 Council resolve that a further period of consultation be undertaken as part of the Review process as set out in paragraph 18 and that the revised timetable set out in paragraph 19 be approved.

Background Papers

- 21 CLG and Local Government Boundary Commission for England Guidance on Community Governance Reviews and County Council Report 23 September 2015.

Contact: Ros Layfield, Committee, Member & Civic Svcs Manager 03000 269 708
Clare Burrows, Governance Solicitor 03000 260 548

Appendix 1: Implications

Finance - The costs in respect of issuing a draft recommendation will be met from the budget identified for community governance reviews.

If a community council is established the council will be involved in setting a precept for the first year that the council is in operation. The costs will be borne by the electorate in the Pelton Fell parish.

Staffing – The work will impact considerably on staff time in the set-up of a community council.

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 Regulations.

Appendix 2: Option 2 for consultation on the Formation of a Community Council

Parish area/ Local Council

The unparished area of Pelton Fell as shown on the map would become parished and would be known as 'Pelton Fell Parish'.

An alternative style of local council would be formed in-line with the request from Pelton Fell Community Partnership for a community council. The newly formed parish of Pelton Fell would have its own community council which would be known as 'Pelton Fell Community Council'.

Warding

The area is spilt into 2 polling districts however due to the number of electorate and size of the area it is not considered necessary to ward the parish. The community council would therefore not be warded.

Size of Council

Taking into consideration the guidance referred to in paragraph 12 of the report, and local knowledge that across County Durham the size of local councils with a similar number of electorate to Pelton Fell vary considerably, a council size of 7 community councillors would be appropriate. There would be a ratio of 188 electorate to one councillor. Councillors appointed to the council would be known as 'community councillors'.

Electoral Arrangements

The ordinary year of election of community councillors would be 4 May 2017 which would be in line with the local, parish and town elections, and then every four years thereafter.

For administrative and financial purposes of the County Council collecting the new Council's precept would become a recognised legal entity in its own right on 1 April 2017.

Precept

The County Council will be required to set a precept to enable the community council to function during its first year.

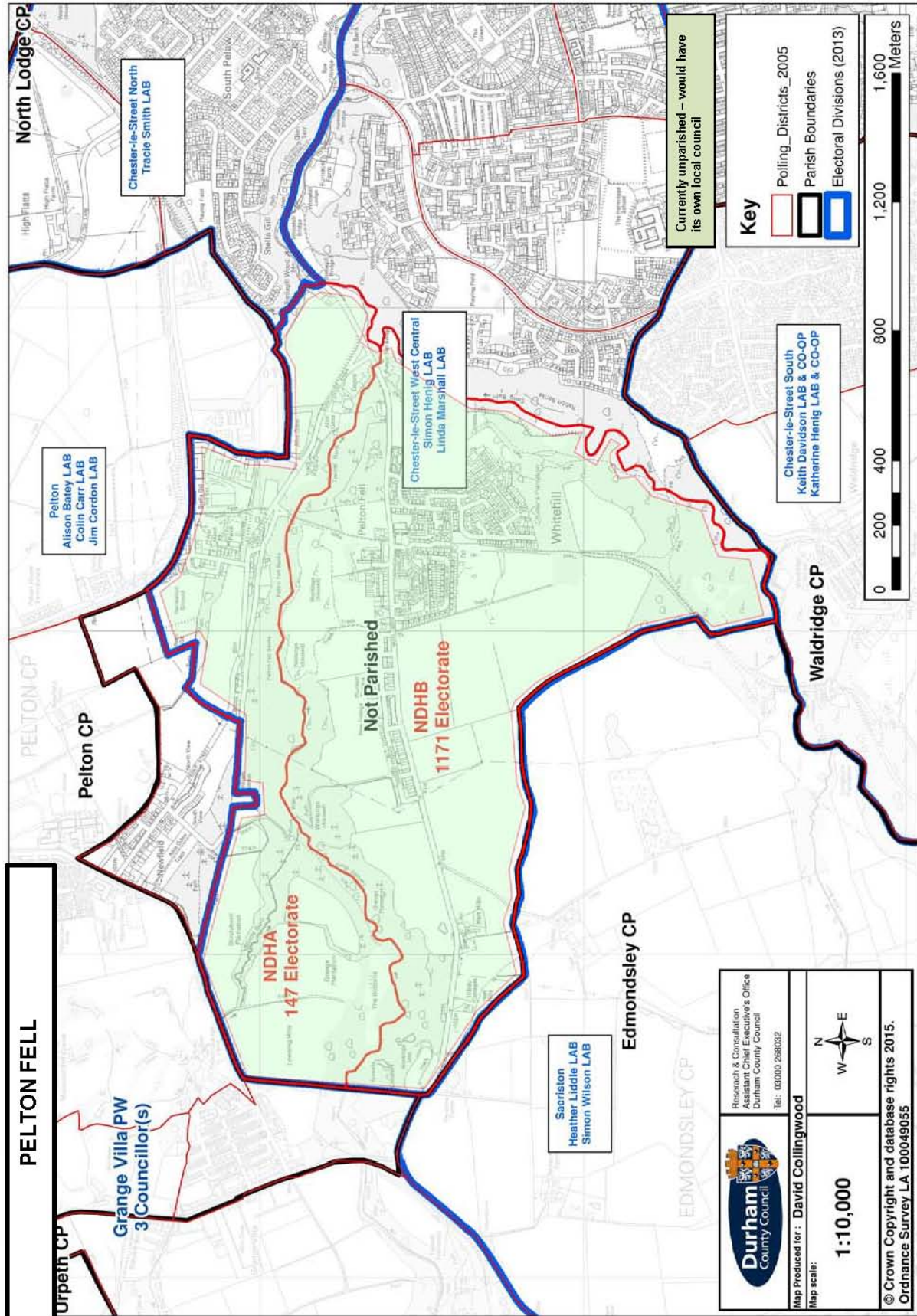
The consultation document issued by the Authority to all households in the area, advised that any local council that was established would be able to charge a precept for the services it provided, and that the amounts set by local councils can vary considerably depending on the type of services its delivers. Some examples were given of precept charges per year for local councils in the area of Band D equivalent properties. A range of £20.66 to £102.44 was provided for illustrative purposes.

The Partnership also gave examples of precepts the community council may raise in their original consultation document.

These were for precepts raising 21k, which would be £50 equivalent for a Band D property, or £31.5k which would be £75 equivalent for a Band D property.

It is suggested that a nominal precept be set for its first year of operation amounting to £21k. Based on the council tax base for 2016/17 a precept of £49.96 would be made for a Band D property. This would be re-calculated in-line with the 2017/18 council tax base once established.

Appendix 3: Current unparished area of Pelton Fell



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