



## **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 22 June 2016 at 10.00 a.m.** to transact the following business:-

1. To confirm the minutes of the meetings held on 16 and 25 May 2016 (Pages 1 - 14)
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

### ***To be presented by Councillor John Hart***

*Petition from Stanley Crook Primary School "calling on the County Council to lower the speed limit outside Stanley Crook Primary School from the national speed limit to a more appropriate speed limit".*

8. Report from the Cabinet (Pages 15 - 32)
9. Motions on Notice

### ***Councillor R Lumsdon to Move***

*As the council for a county with high levels of deprivation where some of the poorest of its inhabitants have faced severe cuts in income due to restrictions on the public purse at the same time as many large corporations are evading and avoiding tax, this council asks the Government to implement legislation to allow councils to take into account in its procurement a fair tax*

*requirement ; requiring bidders seeking to do business with councils in England to be open and transparent in their financial dealings, especially with reference to their tax affairs in the UK, and thereby contribute to the public purse;*

*This Council supports this campaign for tax justice by:*

*Setting up a cross party working group to explore how we can encourage the development of the Fair Tax Mark and to consider how best to promote the Fair Tax Campaign and transparency in all tax dealings.*

10. Questions from Members

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

Dated this 14th day of June 2016



Colette Longbottom  
Head of Legal and Democratic Services

**To: All Members of the County Council**

## DURHAM COUNTY COUNCIL

At an Extraordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Monday 16 May 2016 at 10.00 a.m.**

**Present:**

**Councillor J Blakey in the Chair**

Councillors J Allen, A Batey, A Bell, E Bell (Vice-Chairman), J Bell, R Bell, H Bennett, G Bleasdale, A Bonner, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Charlton, J Clare, J Clark, P Conway, J Cordon, P Crathorne, M Davinson, M Dixon, S Forster, N Foster, D Freeman, I Geldard, B Graham, J Gray, O Gunn, C Hampson, J Hart, T Henderson, K Henig, S Henig, D Hicks, J Hillary, G Holland, A Hopgood, K Hopper, L Hovvells, E Huntington, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, H Liddle, J Lindsay, A Liversidge, C Marshall, L Marshall, P May, S Morrison, A Napier, T Nearney, M Nicholls, H Nicholson, P Oliver, R Ormerod, T Pemberton, M Plews, G Richardson, S Robinson, J Rowlandson, K Shaw, M Simmons, M Simpson, H Smith, T Smith, M Stanton, B Stephens, D Stoker, A Surtees, L Taylor, P Taylor, O Temple, K Thompson, F Tinsley, E Tomlinson, A Watson, M Wilkes, A Willis, C Wilson and S Zair

Apologies for absence were received from Councillors E Adam, B Armstrong, J Armstrong, L Armstrong, D Bell, C Carr, K Corrigan, R Crute, K Davidson, B Glass, D Hall, M Hodgson, S Iveson, C Kay, J Maitland, N Martin, J Maslin, J Measor, B Moir, A Patterson, C Potts, L Pounder, J Robinson, A Savory, A Shield, J Shuttleworth, W Stelling, P Stradling, J Turnbull, A Turner, M Williams, S Wilson and R Young

### **1 Declarations of Interest**

The Head of Legal and Democratic Services referred to the advice she had provided in advance of the meeting to enable Members to determine whether they needed to declare an interest. The Head of Legal and Democratic Services then advised of the declarations that had been made.

The following Members declared an interest as School Governors and remained in the meeting:

Councillors A Batey, E Bell, J Bell, R Bell, J Blakey, G Bleasdale, A Bonner, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Clark, P Conway, M Dixon, S Forster, N Foster, B Graham, O Gunn, C Hampson, D Hicks, J Hillary, G Holland, A Hopgood, K Hopper, E Huntington, I Jewell, O Johnson, J Lethbridge, J Lindsay, C Marshall, L Marshall, S Morrison, T Nearney, H Nicholson, T Pemberton, M Plews, J Rowlandson, M Simmons, H Smith, T Smith, M Stanton, K Thompson, F Tinsley, M Wilkes and A Willis.

Councillor O Temple declared a personal interest which was not prejudicial and remained in the meeting.

The following Members declared an interest as having a close family member who was a teaching assistant, or other prejudicial interests, and would withdraw from the meeting during consideration of the Item.

Councillors P Crathorne, J Hart, H Liddle, K Shaw, A Surtees, L Taylor and E Tomlinson.

## **2 Review of the Corporate Management Team**

The Council considered a report of the Chief Executive Officer which proposed a change to the existing Service Groupings within the Council and sought approval to initiate a restructure exercise of the existing Corporate Management Team and to undertake a recruitment exercise through the Chief Officer Appointments Committee to any vacant posts which remained following the restructure process (for copy see file of Minutes).

In **Moving** the report Councillor Henig, Leader of the Council thanked the Chief Executive for his presentation of the proposed restructure and for the time he had taken talking to staff, trades unions and Members about the proposals. It was important that the Chief Executive had the latitude to be able to bring forward such proposals which were appropriate for current times in local government, were cost neutral and would bring forward future savings.

In **Seconding** the report, Councillor Napier, Deputy Leader and Portfolio Holder for Finance informed the Council that the current structure, which had been in place since 2008, had served the Council well. However, some eight years later expectations and local government had changed.

Councillors R Bell and A Hopgood expressed their support for the proposed restructure.

### **Resolved:**

That the recommendations contained in the report be approved.

## **3 Teaching Assistants - Review of Terms and Conditions**

The Council considered a joint report of the Corporate Director of Resources and the Corporate Director of Children and Adults Services regarding proposed arrangements to implement changes to Teaching Assistants terms and conditions in order to reduce the risk of equal pay challenges to the Council (for copy see file of Minutes).

In accordance with Standing Order 16.4 Councillor J Brown sought a named vote on the approval of the report. The requirements were met.

In **Moving** the report, Councillor J Brown, Portfolio Holder for Corporate Services informed the Council that the Council's Head of Paid Service, the Section 151

Officer and the Monitoring Officer had all advised that the risks of not making changes to the Terms and Conditions of Teaching Assistants would be highly likely to result in challenge with regard to the Council acting unlawfully and without financial probity. Additionally, all Council decisions needed to be made with due regard to equalities legislation and the Council had received clear, independent advice with regard to the risk of equal pay claims if the Terms and Conditions were not changed.

In **Seconding** the report, Councillor O Johnson, Portfolio Holder for Children and Young People's Services informed Council that he was doing so with a heavy heart.

Councillor Temple informed Council that he would be voting against the recommendations in the report for the pursuit of fairness and for the exploration of other possibilities. Some 6 months ago the Liberal Democrat Group had put a Motion that the Council pause and review the position on Teaching Assistants Terms and Conditions to compare them with other Authorities in the region, but this was not considered because of time taken on another Motion. At a subsequent Council meeting the motion was voted down. Although the Council had received legal opinion that it would be at risk of equal pay claims if no action was taken on Teaching Assistants Terms and Conditions, this was merely opinion and was not always proved to be correct.

Councillor A Napier, Portfolio Holder for Finance informed the Council that he supported the recommendations in the report. The Council was at risk of equal pay claims if the anomalous position of Teaching Assistants Terms and Conditions was not addressed, and trades unions had confirmed that such claims would be forthcoming.

Councillor A Watson informed the Council he would be voting against the recommendations in the report. Teaching Assistants were loyal, dedicated and professional staff who often worked beyond their contracted hours and were low paid for their level of responsibility. The current Terms and Conditions, which had been in place since 2004 without any legal challenge, should be honoured for existing Teaching Assistants, with new Terms and Conditions being introduced for new recruits. Councillor Watson informed the Council that Councillor J Maslin, who was unable to attend the meeting, had requested that he expressed her contempt for the proposed changes.

Councillor P May informed the Council that he would be voting against the recommendations in the report. Teaching Assistants were the glue in the staff regime of schools, they helped and protected children and were dedicated and enthusiastic members of staff. Councillor May suggested that the Terms and Conditions be revisited over the next few months to discover whether it was possible to introduce anything to mitigate the financial loss Teaching Assistants would be facing.

Councillor Brown informed the Council that two rounds of consultation had taken place with trade unions and Teaching Assistants but no options had been proposed which were legally viable. All members of staff were valuable, however, the current

two-tier system of terms and conditions prolonged the risk to the Council of equal pay claims.

A named vote on the recommendations in the report was taken.

**For**

Councillors J Allen, A Batey, E Bell, J Bell, H Bennett, J Blakey, G Bleasdale, A Bonner, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, M Davinson, M Dixon, S Forster, N Foster, I Geldard, B Graham, J Gray, O Gunn, C Hampson, S Henig, K Henig, J Hillary, K Hopper, L Hovvels, E Huntington, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, J Lindsay, A Liversidge, C Marshall, L Marshall, S Morrison, A Napier, T Nearney, M Nicholls, H Nicholson, T Pemberton, M Plews, H Smith, T Smith, M Stanton, B Stephens, P Taylor, F Tinsley and C Wilson.

**Against**

Councillors A Bell, J Charlton, D Freeman, D Hicks, G Holland, A Hopgood, P May, P Oliver, R Ormerod, S Robinson, M Simmons, D Stoker, O Temple, K Thompson, A Watson, M Wilkes, A Willis and S Zair.

**Abstain**

Councillors R Bell, T Henderson, G Richardson and J Rowlandson.

**Resolved:**

- (i) That the termination and re-engagement of Teaching Assistants on revised terms and conditions as outlined in the report be approved;
- (ii) That authority be delegated to a dedicated panel of officers to hear all appeals associated with this process.

## DURHAM COUNTY COUNCIL

At the Annual Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 25 May 2016 at 10.00 a.m.**

**Present:**

**Councillor J Blakey in the Chair**

Councillors E Adam, J Allen, B Armstrong, J Armstrong, L Armstrong, A Batey, D Bell, E Bell (Vice-Chairman), J Bell, R Bell, H Bennett, G Bleasdale, A Bonner, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Charlton, J Clare, J Clark, P Conway, K Corrigan, R Crute, M Davinson, M Dixon, S Forster, N Foster, D Freeman, I Geldard, B Graham, J Gray, O Gunn, C Hampson, T Henderson, K Henig, S Henig, J Hillary, G Holland, A Hopgood, K Hopper, L Hovvels, E Huntington, S Iveson, I Jewell, O Johnson, C Kay, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, H Liddle, J Lindsay, A Liversidge, R Lumsdon, J Maitland, C Marshall, L Marshall, N Martin, P May, B Moir, S Morrison, A Napier, M Nicholls, H Nicholson, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, G Richardson, J Rowlandson, K Shaw, M Simmons, H Smith, B Stephens, D Stoker, P Stradling, A Surtees, L Taylor, O Temple, F Tinsley, E Tomlinson, J Turnbull, A Turner, A Watson, M Williams, A Willis, C Wilson, S Wilson and R Young

Apologies for absence were received from Councillors J Alvey, A Bell, C Carr, J Cordon, P Crathorne, K Davidson, B Glass, D Hall, J Hart, D Hicks, M Hodgson, J Maslin, J Measor, T Nearney, R Ormerod, J Robinson, A Savory, A Shield, J Shuttleworth, W Stelling, P Taylor, M Wilkes and S Zair

### **1 Election of Chairman**

**Moved** by Councillor K Shaw, **Seconded** by Councillor S Morrison and

**Resolved:**

That Councillor E Bell be elected to the Office of Chairman of the Council for the ensuing year.

Councillor E Bell subscribed the Statutory Declaration accepting the Office.

Councillor J Blakey vacated the Chair.

**Councillor E Bell in the Chair**

In accepting the Office of Chairman of the Council, the Chairman informed Council that while it would be an honour and a privilege to carry out such a role, he was also remembering Councillor Robin Todd who had been elected as Vice-Chairman at the last Annual Meeting.

The Chairman informed Council that he would be supporting two charities during his Term of Office, these being Dementia Durham and the North East District Resource Centre. With reference to Dementia Durham, the Chairman informed Council that Councillor P Brookes would be undertaking 24 hour sponsored cycle ride from County Durham to the Welsh border and return in 3 weeks' time. Members could donate to the fundraising through Councillor Brookes Just Giving web page or through sponsorship sheets which would be available in Member Support.

## **2 Presentation to Retiring Chairman**

The Chairman paid tribute to the services of Councillor Blakey during her term of office and presented a Past Chairman's Badge to Councillor Blakey incorporating the Council's Coat of Arms, as a token of the Council's appreciation of her services during her period of office. The Chairman also paid tribute to Councillor Blakey's husband and consort, Alan, who had continued in his role despite a health issue and wished him well in his continued recovery.

Further tributes to Councillor Blakey's ambassadorial service, the diligent, exceptional, professional and dignified way she had conducted herself during her term of office both locally, regionally, nationally and internationally were given by Councillor Henig (Leader of the Labour Group), Councillor Hopgood (Leader of the Liberal Democrat Group), Councillor R Bell (Leader of the Conservative Group) and Councillor P May (on behalf of the Durham Independent Group).

In response, Councillor Blakey thanked both the incoming Chairman and all Councillors for the presentation and expressed her appreciation to all who had supported and assisted her during the year. Councillor Blakey thanked Councillor Bell for his support as Vice-Chairman throughout the year and expressed her sadness at the death of Councillor Robin Todd soon after his election as Vice-Chairman last year. Councillor Blakey offered her congratulations to Councillor Bell and his consort and wished him well for his year in office. Finally, Councillor Blakey thanked her husband and consort, Alan, for his unwavering support throughout the year.

The Chairman then presented Mr Blakey with a gift in appreciation of his efforts in supporting Councillor Blakey during her term of office.

## **3 Election of Vice-Chairman**

**Moved** by Councillor J Gray, **Seconded** by Councillor J Clare and

**Resolved:**

That Councillor M Dixon be elected Vice-Chairman of the Council for the ensuing year.

Councillor Dixon subscribed the Statutory Declaration accepting the Office.



#### **4 Minutes**

The minutes of the meeting held on 13 April 2016 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**

##### **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.

##### **Retirement of Corporate Director, Resources**

The Chairman informed Council that Don McLure, the Councils Corporate Director, Resources was to retire from the Council on 31 May 2016. Don joined the Council in 2010 after an eight-year career with Derby City Council, and prior to that worked for Gateshead Council. Since coming to Durham he had headed the financial, legal and democratic, human resources and ICT teams through one of the most difficult times in local government history. He had managed the finances for the largest council in the region during a period in which it had to make £153m in budget cuts and had played a significant role in helping manage the council during this difficult time.

The Corporate Director, Resources thanked the Chairman for his words and informed Council that he was honoured to be ending his 41 year career in local government at Durham County Council. He thanked his colleagues on the Corporate Management Team and wished the Chief Executive well in building his new Management Team and thanked Resources Management Team and all staff for their support. He thanked all Members for their support and added that it had been a privilege to serve the Cabinet and in particular Councillor Napier, Portfolio Holder for Finance.

Councillor Henig, Leader of the Council, thanked the Corporate Director for his work for the Council, which he had carried out with the utmost integrity and professionalism during a period of huge financial challenge. The robustness of the Council's financial position owed a lot to the work of the Corporate Director.

Councillors Hopgood, May and R Bell all thanked the Corporate Director for his service to the Council during a challenging financial situation and praised his even-handed approach to all Members.

Councillor Napier, Portfolio Holder for Finance informed Council that every plaudit and accolade for the Corporate Director was fully deserved.

## 7 Leaders announcement of Deputy Leader and Cabinet Members

The Leader of the Council reported that no changes were proposed to Cabinet Members, portfolios and Executive Support for 2016/17.

<p><b>Leader of the Council</b></p> <p><b>Cllr Simon Henig</b></p> <p>Cllr Patrick Conway (cross-cutting responsibilities)</p>	<ul style="list-style-type: none"> <li>● Overall co-ordination of policy, including MTFP</li> <li>● Performance framework and monitoring</li> <li>● County Durham Partnership</li> <li>● External Partnerships</li> <li>● Communications</li> <li>● Legal and Democratic Services+</li> </ul>
<p><b>Deputy Leader and Finance</b></p> <p><b>Cllr Alan Napier</b> Cllr Ian Geldard</p> <p><b>Corporate Services</b></p> <p><b>Cllr Jane Brown</b> Cllr Angela Surtees</p>	<ul style="list-style-type: none"> <li>● Finance</li> <li>● Legal and Democratic Services+</li> <li>● Risk Management</li> <li>● Human Resources</li> <li>● ICT</li> <li>● Welfare rights</li> </ul>
<p><b>Children and Young People's Services</b></p> <p><b>Cllr Ossie Johnson</b> Cllr Tracie Smith</p>	<ul style="list-style-type: none"> <li>● Education 0-19</li> <li>● Specialist and Safeguarding Children's Services</li> <li>● Youth Services, including Youth Offending Services</li> <li>● Children Centres</li> <li>● Health and wellbeing board member</li> </ul>
<p><b>Economic Regeneration</b></p> <p><b>Cllr Neil Foster</b> Cllr Trish Pemberton</p>	<ul style="list-style-type: none"> <li>● Spatial Planning / LDF, including Strategic Transport &amp; LTP</li> <li>● Development Control</li> <li>● Economic Development</li> <li>● Town Centres</li> <li>● Regeneration</li> <li>● Tourism, Arts and Culture</li> </ul>
<p><b>Assets, Strategic Housing and Rural Issues</b></p> <p><b>Cllr Eddie Tomlinson</b> Cllr Mike Dixon</p>	<ul style="list-style-type: none"> <li>● Housing strategy</li> <li>● Homelessness</li> <li>● Private sector housing issues</li> <li>● Fuel poverty / Energy efficiency</li> <li>● Links with Housing providers</li> <li>● Assets (land and property)</li> <li>● Rural champion</li> </ul>

<p><b>Leisure, Libraries and lifelong learning</b></p> <p><b>Cllr Maria Plews</b> Cllr Rachel Lumsdon</p>	<ul style="list-style-type: none"> <li>● Leisure services</li> <li>● Parks</li> <li>● Allotments</li> <li>● Bereavement services</li> <li>● Libraries</li> <li>● Community &amp; Adult Education</li> </ul>
<p><b>Neighbourhoods and local partnerships</b></p> <p><b>Cllr Brian Stephens</b> Cllr Rob Yorke</p>	<ul style="list-style-type: none"> <li>● Area Action Partnerships</li> <li>● Relationships with Town and Parish Councils</li> <li>● Community Development</li> <li>● Community Facilities</li> <li>● Customer Services</li> <li>● Neighbourhood Streetscene</li> <li>● Environment Policy, including sustainability &amp; climate change</li> <li>● Environment, Health and Consumer Protection</li> <li>● Local Transport Plan implementation</li> <li>● Highways</li> <li>● Waste Management</li> <li>● Direct Services</li> </ul>
<p><b>Adult and Health Services</b></p> <p><b>Cllr Lucy Hovvels</b> Cllr Audrey Laing</p>	<ul style="list-style-type: none"> <li>● Adult Social Care Services</li> <li>● Personalisation</li> <li>● Adult Safeguarding</li> <li>● Carers</li> <li>● Adult Social Care Commissioning</li> <li>● Health and Wellbeing</li> </ul>
<p><b>Safer Communities</b></p> <p><b>Cllr Joy Allen</b> Cllr Anne Bonner</p>	<ul style="list-style-type: none"> <li>● Community Safety</li> <li>● Links with Durham Police</li> <li>● Travellers liaison service</li> <li>● Emergency planning</li> <li>● Health and wellbeing board member</li> </ul>

+ Shared responsibility

**8 Appointment of Council bodies and allocation of seats to political groups under Section 15 of the Local Government and Housing Act 1989**

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

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

**Resolved:**

That the recommendations in the report be agreed.

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

**Moved** by Councillor Laing, **Seconded** by Councillor Marshall that the circulated list of Chairmen and Vice-Chairmen of Committees and Sub-Committees be approved.

Councillor Hopgood informed Council that the recent Ofsted report on Children and Young People’s Services in Durham had stated that arrangements for scrutiny by political and senior leaders were not sufficiently robust and **moved** that Councillor M Simmons be appointed as Vice-Chairman of Children and Young People’s Overview and Scrutiny Committee. **Seconded** by Councillor N Martin.

Councillor J Armstrong, Chairman of the Overview and Scrutiny Management Board informed the Council he could not support the appointment of Councillor Simmons as Vice-Chairman of the Children and Young People’s Overview and Scrutiny Committee.

Councillor C Marshall informed Council that Cabinet had taken action to address issues raised in the Ofsted report and moved that the Amendment be put to the vote.

Upon a vote being taken the Amendment was **Lost**.

**Resolved:**

That the following list of Chairmen and Vice-Chairmen of Committees and Sub-Committees be approved.

<b>Non-Executive/Regulatory Committees</b>	<b>Chairman</b>	<b>Vice-Chairman</b>
Appeals and Complaints Committee	Councillor J Cordon	Councillor J Bell
<b>Audit Committee</b>	<b>Councillor E Bell</b>	<b>*Councillor J Rowlandson</b>
Chief Officer Appointments Committee	Councillor S Henig	Councillor A Napier
Highways Committee	Councillor G Bleasdale	Councillor C Kay
Human Resources Committee	Councillor J Hillary	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 K Shaw	Councillor B Kellett
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 H Nicholson	Councillor M Dixon
Pension Fund Committee	Councillor A Turner	*Councillor W Stelling
Corporate Parenting Panel	Councillor P Brookes	Councillor J Clark
<b>Overview and Scrutiny Committees</b>		
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 J Robinson	Councillor J Blakey
Corporate Issues Scrutiny Committee	Councillor J Lethbridge	Councillor K Henig

**\*Minority Group**

## 10 Appointments to Joint Bodies and Other Bodies 2016/2017

The Council considered a report of the Head of Legal and Democratic Services detailing appointments to joint and other bodies for 2016/17 (for copy see file of Minutes).

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

### **Resolved:**

- (a) That the Council agrees the allocation of seats on the joint body detailed in Appendix 1.
- (b) That the Council agrees the allocation of the memberships of the bodies detailed in Appendix 2.
- (c) That the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), be authorised to make appointments to the other outside bodies to which the Council are invited to nominate, in accordance with the following criteria:-

- (i) identify those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly.
- (ii) identify local outside bodies from each electoral division and allocate those to local members. If there are more seats on an outside body than local members then the political balance would be applied. For those local bodies which are strategic in nature representation by a specific Cabinet Portfolio would be appropriate.

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.

- (iii) 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 does not include appointments to the County Durham Housing Group Board.
- (d) That a 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 2016/17, again in consultation with the appropriate Group Leader(s).
- (e) That the allocation of seats on the Chartered Trust be agreed as detailed in Appendix 3.
- (f) That Councillor N Foster be appointed as the Cabinet Member to serve on the Charter Trustees.
- (g) That the allocation of seats on the Police and Crime Panel be agreed as detailed in Appendix 4.
- (h) 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 A Laing

**Resolved:**

Appointments be made to the positions on the North East Combined Authority as follows:

- (a) The Council Representative of the North East Leadership Board (NELB) – Councillor S Henig
- (b) Substitute member to the NELB – Councillor A Napier
- (c) Two members to the Transport North East Committee (TNEC) – Councillors N Foster and E Tomlinson
- (d) Substitute member to the TNEC – Councillor J Allen
- (e) One member to the Governance Committee – Councillor E Bell
- (f) Substitute member to the Governance Committee – Councillor K Shaw
- (g) Two members to be representatives on the Overview and Scrutiny Committee – Councillors J Armstrong and R Crute
- (h) One member to the Economic Development and Regeneration Advisory Board – Councillor N Foster
- (i) 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

**Resolved:**

1. That Councillors D Boyes and E Tomlinson be the two members nominated to serve on the County Durham Housing Group Board.
2. That the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s) be authorised to make appointments to the County Durham Housing Group Board during the course of 2016/17, if necessary once the outcome of the governance review of the Board is clear.

## 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).

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

**Resolved:**

That the Council:

- (a) Approves the scheme of delegations as set out in Part 3 of the Constitution
- (b) Agrees the proposed revisions to the Constitution, including the delegations to Chief Officers as set out above
- (c) Authorises the Head of Legal and Democratic Services, 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

- (d) Authorises the Head of Legal and Democratic Services to make amendments to the officer scheme of delegation to reflect the new structure of the Corporate Management Team when implemented

## **12 Dates of Council Meetings 2016/17**

### **Resolved:**

That the dates of meetings of the County Council for 2016/17 be as follows:

Wednesday 22 June 2016

Wednesday 20 July 2016

Wednesday 21 September 2016

Wednesday 26 October 2016

Wednesday 7 December 2016

Wednesday 25 January 2017

Wednesday 22 February (Budget and Council Tax setting) 2017

Wednesday 22 March 2017

Wednesday 24 May 2017



**22 June 2016****Report from the Cabinet**

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**Purpose of the Report**

To provide information to the Council on issues considered by the Cabinet on 6 April and 11 May 2016 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 21 June 2016 in order for them to be displayed on the screens in the Council Chamber.

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**11 May**

- Item 7 North East Combined Authority Devolution Agreement  
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- Item 8 Children, Young People and Families Plan 2016-2019
- Item 9 Annual Report of the Director of Public Health County Durham
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- Item 11 Schools 20 mph Speed Limit Project Update and Scrutiny Review
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**1. County Durham Plan – the next steps and Assessing Development Proposals in County Durham**  
**Key Decision: R&ED/03/16**  
**Cabinet Portfolio Holder – Councillor Neil Foster**  
**Contact – Mike Allum 03000 261906**

We have considered a report of the Corporate Director, Regeneration and Economic Development which requested Cabinet's agreement to an approach to deliver a local plan for County Durham including a Local Development Scheme, setting out the timetable for its delivery. The report requested Cabinet's agreement, to the Statement for Community Involvement 2016, for consultation. This will enable comments and views to be sought on how and when communities and other interested parties can influence the planning process. Cabinet Members were also requested to endorse a revised Policy Position Statement intended to provide for a consistent approach to handling development proposals until the emerging local plan has progressed sufficiently to be given weight in planning decisions.

Preparation of the County Durham Plan began in 2009 and has gone through a number of stages, all of which were underpinned by an extensive evidence base and informed by substantial public consultation. Following the final round of consultation, the Plan was agreed by Full Council and submitted for independent examination in April 2014. The Interim Inspector's Report received, following the examination hearings, identified the economic growth as set out by the Council and its partners as over ambitious. This, alongside issues of process, and following negotiations with the inspectorate, left the council no alternative but to challenge the report. Subsequently and with the consent of Government the report was quashed by the High Court. This allowed the Council to revisit the plan process without the constraints of the last inspectors report having any legal weight. In the Statement of Matters within the Consent Order accompanying the decision, the Council agreed that it would withdraw the Plan.

Following the court decision advice was sought from legal advisers. The outcome of these discussions was that it was advisable to undertake a three stage process in the preparation of the new local plan. Due to the length of time that has passed since preparation of the original plan it is necessary to update the key pieces of evidence that will inform the policies and proposals of the new plan. A new end date for the Plan of 2033 is proposed to ensure that at least 15 years will be left after adoption of the Plan as identified by the National Planning Policy Framework (NPPF). The first step in the process is to consult on an Issues and Options document which will identify the key issues that affect County Durham and set out different options for addressing them. The Council will then ask for responses on whether the right issues have been identified, whether there are other issues that have not been identified and what the best solutions are for dealing with these issues. This is scheduled to take place in June and July. Following consideration of responses a Preferred Options for consultation will be prepared towards the end of this year. Publication of the Pre-Submission Draft will then follow in Spring/Summer 2017. Cabinet will be asked to consider each stage of the process prior to it proceeding to public consultation.

There are a number of external factors which also make it imperative that the Plan is progressed expeditiously. In October 2015 the Government announced that it would intervene where councils are failing to produce up to date local plans. Similarly the recent consultation on the New Homes Bonus proposed that, from 2017/18 local authorities may not receive New Homes Bonus for the years where they have not submitted a Plan. By submitting before the end of 2017 this should mean that the Council will continue to receive the New Homes Bonus.

Public engagement is at the core of the plan making process. It is a statutory requirement (Section 18 of the Planning and Compulsory Purchase Act 2004) to publish a Statement of Community Involvement (SCI). The existing SCI has become dated and it is proposed to revise it. The SCI also advises Town and Parish Councils and Neighbourhood Forums on how to involve local people and groups in the preparation of Neighbourhood Plans.

## **Decision**

We have:

- Agreed the approach and proposed timescales as set out in the Local Development Scheme;
- Agreed the draft Statement of Community Involvement 2016 to be published for a four week consultation from the 15th April to the 13th May; and Agreed that any minor modifications to the draft Statement of Community Involvement 2016 following consultation and approval of the final document are delegated to the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development.
- That 'Assessing Development Proposals in County Durham' be agreed as a Council Policy Position Statement to provide clarity to Members, officers, developers and the public.

**2. Joint Strategic Needs Assessment and the refresh of the Joint Health and Wellbeing Strategy 2016-2019**  
**Cabinet Portfolio Holders – Councillor Lucy Hovvels, Joy Allen, and Ossie Johnson**  
**Contact – Peter Appleton 03000 267381**

We have considered a report of the Corporate Director, Children and Adults Services which presented Cabinet with the summary of key messages from the Joint Strategic Needs Assessment 2015 (JSNA) which was attached to the report at Appendix 2, and, the refreshed County Durham Joint Health and Wellbeing Strategy (JHWS) 2016-2019 which was attached to the report at Appendix 3.

The Health and Social Care Act 2012 places clear duties on local authorities and Clinical Commissioning Groups (CCGs) to prepare a Joint Health and Wellbeing Strategy, through Health and Wellbeing Boards. The JHWS has been refreshed for 2016–19 to ensure it is fit for purpose, continues to meet the health and wellbeing needs of the population, and is aligned to the Sustainable Community Strategy and CCG plans.

Consultation on the Joint Health and Wellbeing Strategy took place between August 2015 and February 2016 with over 500 people from different backgrounds taking part in the process. The JSNA key messages were received by the Health and Wellbeing Board on 21st January 2016 and the JHWS was approved by the Health and Wellbeing Board on 8th March 2016. Durham Dales, Easington and Sedgefield and North Durham Clinical Commissioning Groups will be asked to receive and endorse the JHWS through their Governing Body meetings in May 2016.

The key messages from the Joint Strategic Needs Assessment have been refreshed and, as part of this process, work has taken place to ensure alignment to the indicators in the County Durham Child Health Profile 2015 and the County Durham Health Profile 2015. An Integrated Needs Assessment (INA) is being developed for County Durham. This will bring together, for the first time, the evidence base and wide range of strategic assessments used to inform strategic planning across the council and by thematic partnerships, and will provide links to data, analysis, external frameworks, strategies and plans relevant to life 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" and the report detailed the strategic objectives and outcomes framework. The JHWS includes a number of Strategic Actions that identify the key areas of work which the Health and Wellbeing Board will focus on, linked to the objectives and outcomes. A number of actions have been amended or are new and have been agreed with relevant leads as part of the planning process to develop the Joint Health and Wellbeing Strategy. New Strategic Actions were shown in Appendix 4.

The third Annual Report, for the period 2015/16, will look at the work and achievements that the Health and Wellbeing Board has made and include details of engagement mechanisms used by the Board, areas of best practice and planned work for 2016/17. The Health and Wellbeing Board Annual Report 2015/16 is expected to be presented to Cabinet on 14 September 2016, for information.

## **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 2015/16 on 14<sup>th</sup> September 2016 for information.

### **3. Annual Review of the Constitution Leader of the Council – Councillor Simon Henig Contact – Ros Layfield 03000 269708**

We have considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's Constitution. In accordance with the Local Government Act 2000, the County Council adopted the new Constitution for the Unitary Authority from 1 April 2009. Although legislation has

been amended by the Localism Act 2011, a constitution is still required. An annual review of the Constitution is carried out each year by the Monitoring Officer. Amendments to the Constitution approved by full Council since last year's annual review, have been incorporated into the Constitution and amendments made since the last annual review were detailed in the report.

## **Decision**

We have:

- Approved the delegating of executive powers as set out in the officer scheme of delegations.
- Recommended that Council agree the proposed revisions to the Constitution, including the delegations to Chief Officers contained, at the meeting of the Council on 25 May 2016.
- Recommended that Council authorise the Head of Legal and Democratic Services, 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.

#### **4. ICT Strategy 2016 – 2019 Cabinet Portfolio Holder – Councillor Jane Bown Contact – Phil Jackman 07775 025096**

We have considered a report of the Corporate Director, Resources which advised Cabinet of the ICT Strategy that will cover the three years from April 2016. There is an annual iteration of the ICT strategy. The strategy is aimed at all stakeholders who are interested in the technological direction of the Council, including residents, partners, politicians, suppliers, visitors and employees. It reflects the authority's overall strategic objectives and core values and links closely with other strategies and the Council Plan's themes to support the Council to achieve its Altogether Better themes and to use technology to be an Altogether Better Council.

The Strategy will achieve this by delivering in five outcomes:

- A focus on Durham
- Better technology
- Better Engagement
- Better People
- Better Processes

Whilst the strategy will cover the three year period from April 2016 to March 2019, it will be refreshed each year with actions from the revised ICT Services Service Plan.

## **Decision**

We have agreed the ICT Strategy 2016 – 2019.

**5. Transport Asset Management Plan – Annual Update  
Cabinet Portfolio Holder – Councillor Brian Stephens  
Contact – John Reed 03000 267454**

We have considered a report of the Corporate Director, Neighbourhood Services which provided an annual update on the Transport Asset Management Plan (TAMP).

The highway network is in a continual process of change. Not only is the infrastructure ageing, bringing with it demands for maintenance and capital improvement, but the inventory also grows with new developments. With finite resources, it is vital to ensure that investment is well directed to ensure a safe, serviceable and sustainable highway network. This approach helps maximise the condition of the highway for the available budget. A TAMP is a key tool in delivering this. It provides an opportunity to systematically understand the condition of the highway asset, and to establish policy and priorities regarding investment. Having a TAMP places the Council in a good position for establishing a clear case for investment, particularly from the Department for Transport. The TAMP was set out in full in Appendix 2 and 3 of the report. It is divided into two separate sections; section one being the policy which set out the principles of TAMP and section two being an annual update report.

Despite unprecedented reductions in government funding since 2010, the Council has protected and continued to prioritise investment in programmed capital maintenance. The DfT provides the majority of the funding for programmed capital maintenance. The Council has recently achieved the maximum Band 3 efficiency rating under the DfT's Incentive Fund. Durham is one of only two highway authorities to achieve this maximum efficiency rating out of 119 participating highway authorities in England. This rating will help ensure the Council maximises funding from the DfT going forward.

The Council has led the development and implementation of the North East Highways Alliance which was formally established in September 2013 and the Alliance has delivered a number of initiatives that are helping all Council's involved, to maximise efficiencies in highways through sharing of resources, collaborative procurement and knowledge sharing.

In addition to the TAMP the Council has a Highway Maintenance Plan (HMP) which sets out the Council's service levels for inspections, reactive maintenance and routine maintenance in accordance with national codes of practice.

The TAMP demonstrates that the highway maintenance backlog is currently stable and work is progressing well in helping to maximise the condition of the highway for the available budget. The TAMP together with the top efficiency rating will ensure that it is well placed to maximise the much needed funding from the DfT going forward.

## **Decision**

We have:

- Approved the annual update report.
- Noted the substantial investment in programmed capital maintenance and the on-going work to maximise funding going forward.

### **6. Annual Enforcement Programme Children and Young Persons (Protection from Tobacco) Act 1991 and Anti-Social Behaviour Act 2003 Cabinet Portfolio Holder – Councillor 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 2015 to March 2016, and sought approval to a new enforcement programme for 2016/17.

The Council has a statutory responsibility, through various legislation 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.

The report outlined the key priorities for 2016/2017 include the following:

- An intelligence led approach to under age sales enforcement and tobacco control based on the National Trading Standards Intelligence Operating Model which will follow the principles outlined in the Age Restricted Products Code of Practice.
- Investigation of all consumer and trader complaints.
- Continuation of 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.
- Staging of events to raise public awareness of the harms associated with illicit tobacco, to publicise the work of the service and encourage reporting of this criminal activity.
- Continuation of the '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 premises when appropriate.
- Continuation of the 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.

## **Decision**

We have noted the enforcement activity during 2015/16 and approved the proposed Enforcement Programme for 2016/17.

**7. North East Combined Authority Devolution Authority Devolution Agreement**  
**Key Decision: CORP/R/16/01**  
**Leader of the Council – Councillor Simon Henig**  
**Contact – Colette Longbottom 03000 269732**

We have considered a report of the Chief Executive which summarised the proposed devolution agreement, outlined the developments since the report to Cabinet in March and considered the pros and cons of the agreement, in the light of what we now know about the consequences of opting-in or opting-out of the North East Combined Authority (NECA) and made recommendations on next steps.

As reported to County Council on 24 February 2016 and Cabinet on 23 March 2016, a proposed devolution agreement between government and the North East Combined Authority was signed by the Chancellor of the Exchequer and the constituent authorities of NECA on 23 October 2015. It was agreed that progression to a final agreement would be subject to a number of conditions:

- (a) The outcome of the spending review on 25 November 2015.
- (b) Legislative processes.
- (c) Further public consultation (in Durham's case including the results of a poll of electors).
- (d) Formal consideration by councils, the NECA Leadership Board and government ministers.

In addition, in Durham, it was accepted that consideration would need to be given to a number of Durham-specific issues that relate in the main to the administration of public services, such as health, policing and fire and rescue services, which work to a different geography to that of the NECA.

### ***Consideration by constituent authorities, NECA Leadership Board and government***

Since the last report to Members, Newcastle, North Tyneside and Northumberland councils decided in March to sign-up to the proposed agreement, albeit that North Tyneside and Northumberland's decisions were contingent on further clarification around a number of funding, transport and housing issues. Gateshead Council decided to opt-out. South Tyneside and Sunderland councils, like Durham were still to decide.



The NECA Leadership Board was due to come to a view at its meeting on 17 May 2016, by which time its constituent local authorities need to have come to a view.

In addition, there has been further dialogue with government to clarify various issues relating to the proposed agreement and the implications of the decision by Gateshead not to sign-up.

### ***Durham-specific issues***

There were three issues specific to Durham which needed to be clarified or resolved to enable the council in Durham to come to a view on the proposed agreement.

In relation to **transport**, Durham (along with Northumberland) was never part of the Tyne and Wear Integrated Transport Authority (ITA) and has rural transport issues that are unique to rural counties and quite different to the more urban authorities in NECA.

Government has since confirmed that special arrangements for Durham (and Northumberland) would be built into the mayoral combined authority, as per the current NECA arrangements. Separate precepts would remain and Durham would be separate from ITA liabilities.

In relation to **health**, the geography for health services for County Durham residents involves significant provision and patient flows in Tees Valley as opposed to the NECA area. The council is also part of an NHS unit of planning which comprises, Durham, Darlington and Tees.

It has since been confirmed that the decision to devolve health and social care services to the combined authority would require the agreement of each constituent council, including Durham.

In relation to **police and fire**, while the policing arrangements for six of the seven NECA authorities are shared (via Northumbria Police and the Northumbria Police and Crime Commissioner) and those for fire and rescue are coterminous with the NECA area (via the Northumberland and Tyne and Wear fire and rescue services/authorities), Durham is different. Its police service and police and crime commissioner, and its fire and rescue service and associated authority 'look south' as opposed to north, covering County Durham and Darlington.

As with health, it has since been confirmed that any decision to devolve police and or fire services to the combined authority would require the agreement of each constituent council, including Durham.

### **Consideration**

In the light of the NECA Leadership Board meeting taking place on 17 May 2016, the council needed to come to a view on whether it should proceed to the next stage of devolution.

This is not a straight-forward decision and requires very fine and balanced judgements around a wide range of factors and issues concerning the future prospects for the county and region.

What has become apparent over recent months, as further clarification has been obtained around the devolution proposal, is that the decision is not a simple one of a future within the mayoral combined authority, compared with the current situation or status quo.

The advent of the devolution proposals, negotiations with authorities in the North East and in other parts of the country, and the stance the government will take towards areas where it is able to agree deals, all together mean that the public governance landscape is changing quite fundamentally.

The decision Members need to make therefore, is whether to decide to accept the proposed agreement and remain within a reformed combined authority chaired by an elected mayor; or to reject the deal and become a non-consenting authority within a post-devolution North East, with reformed combined authority and local enterprise partnership arrangements. Either way, the council's relationship with government, its local authority partners and wider regional stakeholders will change and both options will have financial, reputational and strategic planning consequences for the county, the council and the wider region.

To help Members to come to a view, a comparison of each option was outlined below.

***Accepting the deal and remaining within a reformed combined authority with an elected mayor***

This option involves agreeing to the devolution deal as proposed and remaining within the North East Combined Authority which would have additional powers and functions, access to funds and would be chaired by a directly-elected mayor. This option offers:

- a) the creation of a single investment fund worth up to £1.5 billion controlled in the North East rather than from Whitehall and funded by the government from a new revenue stream of £30 million a year over the next 30 years, which would be able to help realise opportunities in Durham;
- b) the prospect of beneficial access to the Local Growth Fund for Durham applications with assured longer term funding as opposed to having to bid on a case-by-case basis;
- c) a stronger voice for Durham via NECA on strategic national and sub-national agendas;
- d) continuing influence on the LEP, if it were to become the business board for NECA. The council would be represented on both bodies;

- e) broad community and business support, as evidenced by the consultations and soundings undertaken by the council;
- f) a seat around the table with government, on discussions concerning fair funding, 100% business rates retention, devolution and public service reform, with the prospect of negotiating further devolution;
- g) the prospect of progress, if this is the only approach the government is prepared to entertain.

Whilst this option involves accepting a directly-elected regional mayor, it should be noted that there would be checks and balances over the elected mayor's powers, via the proposed 'embedded' mayoral model, which is a better option than that negotiated on other combined authority areas.

This option would require the ongoing investment of senior member and officer time to manage the relationships between constituent authorities and between NECA and government. It would also involve negotiating, through the NECA governance on Durham's behalf, with the potential to be out-voted on some issues. Safeguards have been put in place to prevent the authority being out-voted on issues such as the transport levy, and the extension of devolution to areas such as health and social care and the police services.

As noted above, this option would carry risks for the council's highways budgets.

***Not accepting the deal and leaving the combined authority as a non-consenting authority***

This option involves not accepting the devolution agreement as proposed and leaving NECA to become a non-consenting authority. The council would still be involved in the LEP and would be able to negotiate and liaise with the combined authority on regional issues. However, it would not benefit from the additional investment funding offered to the combined authority, which would be the government's preferred governance model.

This option would free up senior member and officer time on regional relationship management, would remove the identified risk to our highways budget and would not require Durham residents to take part in electing a regional mayor. However, it would reduce the single pot resources available to the North East which would mean that such investment could not be spent in the county. It is also expected that opportunities under LGF would be lessened in this option. The authority would not be at the discussion table with government on future devolution developments.

Consultation findings, including the poll of all electors do not support this option.

It is understood at this time that the government would not be receptive to alternative devolution geographies.

## Decision

We:-

- a) Agreed to move to the next stage of the process by agreeing to the making of an order creating a mayoral authority.
- b) Agreed to delegate to the Chief Executive, in consultation with the Leader of the Council, to consent to the order creating the combined authority and all other relevant matters to enable the formal establishment of the mayoral authority to proceed up to the approval of the required governance review and scheme detailing the devolution of functions, responsibilities and powers sought by the new mayoral combined authority.
- c) Noted that the following conditions will need to be fulfilled before Cabinet could agree to devolution of powers and the laying of a second, more detailed order:
  - i. That the second, more detailed order will enable embedded mayoral governance such that there will not be a mayoral veto.
  - ii. That governance arrangements are established which ensure that constituent authorities are not disadvantaged by provisions for majority voting.
  - iii. That County Durham is not disadvantaged by the government's proposals on transport and highways funding, thus mitigating the risk identified in the report.
  - iv. That continued commitment to devolution is based on a commitment to fair funding being achieved through ongoing dialogue with Government.

## **8. Children, Young People and Families Plan 2016-2019 Cabinet Portfolio Holder – Councillor Ossie Johnson Contact – Peter Appleton 03000 267388**

We have considered a report of the Corporate Director, Children and Adults Services which presented Cabinet with the refreshed Children, Young People and Families Plan (CYPFP) 2016-2019.

The refresh of the CYPFP has been informed by the Joint Strategic Needs Assessment (JSNA), the Community Safety Strategic Assessment and a number of policy drivers. Engagement has taken place with children and young people, voluntary and community sector organisations, NHS partners, local authority colleagues, Education partners, the Local Safeguarding Children Board, Durham Constabulary, Overview and Scrutiny Committee and Area Action Partnerships.

Durham was successful in two bids to the Department for Education; the first was for a therapeutic support programme at Aycliffe Secure Centre for children who have been sexually exploited, the second was to deliver a large scale new approach to social work and to work with families. The new approach will be known as 'Families First', with ten new teams being created within One Point hubs across the County.

The vision for the CYPFP has been re-affirmed as: 'All children, young people and families believe, achieve and succeed'. The CYPFP includes a number of Strategic Actions that identify the key areas of work which the Children and Families Partnership will focus on, linked to objectives and outcomes. A number of new actions have been agreed and these were detailed in Appendix 3 of the report.

## **Decision**

We have received and endorsed the Children, Young People and Families Plan 2016-19

### **9. Annual Report of the Director of Public Health County Durham Cabinet Portfolio Holder – Councillor Lucy Hovvels Contact – Anna Lynch 03000 268146**

We have considered the annual report of the Director of Public Health for County Durham. Under the Health & Social Care Act 2012, one of the statutory requirements of each Director of Public Health is to produce an annual report about the health of the local population. The 2015 Director of Public Health annual report focuses on tackling obesity and the action that needs to be taken by a range of organisations to reduce the impact on the health and wellbeing of communities. The report aims to develop an understanding of the issues and to help create the collective action that is required to tackle obesity. The annual report recommendations were included in Appendix 2 of the report.

## **Decision**

We have:

- Received the 2015 annual report of the Director of Public Health, County Durham.
- Noted that the report is used to inform commissioning plans, service developments and assessment of need to support a range of funding bids, particularly by third sector organisations.

### **10. Flood Prevention Update and Flood Risk Management Strategy Cabinet Portfolio Holder – Councillor Brian Stephens Contact – John Reed 03000 267454**

We have considered a report of the Corporate Director, Neighbourhood Services which provided an update on flood prevention works and sought approval from

Cabinet to enter into a public consultation on the Local Flood Risk Management Strategy (LFRMS).

It is predicted that, as a result of climate change, the frequency and severity of flooding events will continue to increase over time. Durham County Council is the Lead Local Flood Authority (LLFA) for County Durham under the Flood and Water Management Act 2010 (FWMA 2010).

The key responsibilities of an LLFA are to:

- Prepare and maintain a strategy for local flood risk management in their areas, coordinating views and activity with other local bodies and communities through public consultation and scrutiny, and delivery planning;
- Maintain a register of assets – these are physical features that have a significant effect on flooding in their area;
- Investigate significant local flooding incidents and publish the results of such investigations;
- Issue consents for altering, removing or replacing certain structures or features on ordinary watercourses; and
- Play a lead role in emergency planning and recovery after a flood event.

As the LLFA, the Council works closely with partners to deliver flood prevention schemes in County Durham and the Council hosts and Chairs the Durham Strategic Flood Prevention Group.

The floods in recent years have resulted in significant extra costs in terms of the operational response and repairs to damaged infrastructure. The Government operates the Bellwin scheme to provide emergency financial assistance to Councils above a threshold based on the size of the Council. Due to a combination of the high threshold and the eligibility criteria which are very narrow, the Council has not qualified for any funding from the Bellwin scheme to date. The Council has recently secured £1.1 million of funding from the Department for Transport to fund repairs to the highway following flood damage in December 2015 and January 2016. The Council has provided additional funding from reserves to help fund these costs.

A key requirement of the Lead Local Flood Authority is to develop and publish a Local Flood Risk Management Strategy (LFRMS) and the proposed LFRMS for County Durham was attached to the report at Appendix 7. The Flood and Water Management Act 2010 requires there to be a public consultation on the LFRMS. The report proposed that a public consultation be undertaken with partners, Area Action Partnerships, Town and Parish Councils and residents, for a period of three months.

## **Decision**

We have:

- Noted the considerable work being undertaken by the Council and partners in relation to flood prevention and improved community resilience.

- Approved public consultation on the Local Flood Risk Management Strategy, and delegated the Interim Corporate Director, Neighbourhoods in consultation with the Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships to finalise and publish the report after giving consideration to all feedback received.

**11. Schools 20 mph Speed Limit Project Update and Scrutiny Review**  
**Cabinet Portfolio Holder – Councillor Brian Stephens**  
**Contact – John Reed 03000 267454**

We have considered a joint report of the Assistant Chief Executive and the Corporate Director, Neighbourhood Services which provided Cabinet with an update on the Schools 20 mph Part-time Speed Limits Project and the work of the 20 mph Overview and Scrutiny Working Group. At its meeting on 17 December 2014, Cabinet agreed the following recommendations within the report ‘Review of Current Policy on 20 mph Zones and Limits’:

- a. The adoption of Option 3 to introduce part-time 20 mph limits on main and distributor roads around 33 schools with the highest accident rates, subject to local consultation and scheme design with associated education and awareness raising work, plus a revised policy statement on 20 mph zones and limits, to encompass future evidence-led consideration of limits as well as zones on a demand-led basis;
- b. That consultation and engagement plans are developed in relation to 20 mph speed limit proposals considering local circumstances, views and solutions whilst also including dialogue with Local Members, AAPs, schools and their governing bodies and community residents associations representing the areas covered;
- c. That the final revised policy statement be delegated for agreement by the Corporate Director of Neighbourhood Services, Director of Public Health and Corporate Director of Regeneration and Economic Development, in consultation with relevant Cabinet Members; and
- d. That the work will be taken forward on a prioritised basis and for an annual review to be held.

A Project Team led by Technical Services was established to implement these recommendations. Capital funding for the Schools 20mph Part Time Speed Limits Project to the value of £952.850 was secured from a Public Health Grant and complemented by a revenue budget to help deliver road safety education and social marketing.

Throughout its implementation, the Project Team has actively engaged with the Overview and Scrutiny Working Group to provide progress reports on delivery of Phase 1 schemes, consultation, engagement and education programmes and invited comment on the updated 20 mph policy and revised prioritisation methodology.

A report on the Working Group’s activity to date in relation to providing oversight of these recommendations and commenting on the development of the updated 20 mph policy was included in the report at Appendix 3. The working group’s report

focussed on its involvement with regard to value for money, project management, consultation, engagement and education and policy development. The Working Group considered and helped to inform the updated policy regarding 20mph zones as well as prioritisation criteria for schemes eligible under the policy. The report proposed that further updates be provided to Cabinet and the Safer and Stronger Overview and Scrutiny Committee until the Schools 20 mph Part-Time Speed Limits Project is successfully concluded.

## **Decision**

We have:

- a. Noted the progress in implementing the scheme and the updated 20mph policy.
- b. Agreed that the budget saving be used to expand the scope of the project to an estimated further 33 schools with sites determined in accordance with prioritisation criteria set out in the report.
- c. Noted the contribution and outcomes of the 20 mph Limits Overview and Scrutiny Working Group which will continue its work by receiving progress reports on:
  - (i) Outcomes of the evaluation of phase 1 schemes by Durham University;
  - (ii) Implementation of the 20 schemes within Phase 2;
  - (iii) Engagement of local Members within development of Phase 3 and 4 Schemes within their wards; and
  - (iv) Findings from surveys for identification of additional schools within available funding.

## **12. Regeneration of Spennymoor Town Centre Cabinet Portfolio Holder – Councillor Neil Foster Contact – Graham Wood 03000 262002**

We have considered a report of the Corporate Director, Neighbourhood Services which informed Members on progress in regenerating Spennymoor in line with the agreed masterplan and sought approval for the purchase of property to facilitate further regeneration within the town centre.

In September 2013 Cabinet considered the proposed approach to the regeneration of Spennymoor identified in the Spennymoor Regeneration Masterplan. Since the development and agreement of the masterplan, there has been significant investment across Spennymoor, in line with the established priorities, supporting the aims of job creation, infrastructure development and the creation of a vibrant and sustainable town.

Significant investments have previously been made in improving the physical fabric of the town centre. Planned improvements to school accommodation across the town have been delivered in line with established plans and housing growth. The Leisure Centre is a major attraction within the town centre, playing host to a regional Gymnastic Centre, which opened in 2006 at a cost of £2 million.



The future of Festival Walk, a long standing regeneration project within the core of the town centre has remained unresolved. Since 2009 Festival Walk has been run by administrators Price Waterhouse Coopers (PWC) and their appointed asset manager Cordatus.

The County Council has prioritised Festival Walk as a key regeneration project and has been keen to resolve its negative impact on the town, exploring with Cordatus various options for reinvigorating the retail offer over recent years.

In May 2012 the Council commissioned DTZ to undertake a study to consider ways to resolve for the future of Festival Walk through identified options, appraisals and costings. The report concluded that taking into consideration the Council's regeneration objectives, there were two main options for the site, reconfiguration/refurbishment and part redevelopment or comprehensive redevelopment. Through discussions with the managing agents and in line with stated priorities, the Council began to consider how it could help to facilitate the comprehensive redevelopment of the site.

Options to facilitate the comprehensive redevelopment of the site have been explored including the creation of additional public car parking. It is recognised that Spennymoor would benefit from the provision of additional high quality, centrally located shoppers' car parking.

The report proposed that the Council acquires and demolishes the existing Kwik Save block, alongside the emerging regeneration proposal, from the private sector, in order to provide an opportunity to increase well designed, accessible car parking provision within the town. As part of the preparations for potential redevelopment and in line with their ongoing responsibilities, the managing agents are seeking to relocate the one existing retail operator from the Kwik Save block. Units are available elsewhere in Festival Walk and a relocation would safeguard jobs, reduce cost, save time and manage risk in acquiring and redeveloping the former Kwik Save block.

Cost estimates for all aspects of work have been developed and indicate that the acquisition of the Kwik Save block and its demolition and redevelopment as a car park can be completed within the £600,000 budget identified within the 2016/17 Town Centres Capital Programme. Subject to approval to acquire and redevelop the Kwik Save block, other elements of the redevelopment have been progressing between the managing agents, developers, and operators.

It is anticipated that pre planning consultation for the various elements of the redevelopment scheme would commence by the end of June with a planning submission anticipated by the summer.

## **Decision**

We have:

- a) Noted progress on the regeneration of Spennymoor in line with the established masterplan.

- b) Agreed to the principle for the purchase of the former Kwik Save block subject to satisfactory terms and the subsequent redevelopment of the site for public car parking.
- c) Provided delegated authority to the Corporate Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Economic Regeneration to negotiate terms for the acquisition and redevelopment.

**Councillor S Henig**  
**Leader of the County Council**

14 June 2016