

DURHAM COUNTY COUNCIL

At an Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 20 July 2016 at 10.00 a.m.**

Present:

Councillor M Dixon in the Chair

Councillors E Adam, J Allen, J Alvey, B Armstrong, J Armstrong, A Bell, R Bell, H Bennett, J Blakey, G Bleasdale, D Boyes, P Brookes, J Brown, C Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, K Corrigan, P Crathorne, R Crute, M Davinson, K Dearden, S Forster, N Foster, D Freeman, I Geldard, B Graham, J Gray, O Gunn, C Hampson, T Henderson, K Henig, S Henig, D Hicks, A Hopgood, K Hopper, L Hovvels, E Huntington, S Iveson, I Jewell, O Johnson, C Kay, B Kellett, A Laing, J Lee, J Lethbridge, A Liversidge, J Maitland, C Marshall, L Marshall, P May, O Milburn, B Moir, A Napier, T Nearney, M Nicholls, R Ormerod, A Patterson, M Plews, C Potts, L Pounder, G Richardson, J Rowlandson, A Savory, K Shaw, J Shuttleworth, M Simmons, H Smith, T Smith, M Stanton, B Stephens, D Stoker, P Stradling, A Surtees, P Taylor, O Temple, K Thompson, F Tinsley, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, A Willis, R Yorke, R Young and S Zair.

Apologies for absence were received from Councillors L Armstrong, B Avery, A Batey, D Bell, E Bell, J Bell, K Davidson, J Hart, J Hillary, M Hodgson, G Holland, H Liddle, J Lindsay, R Lumsdon, J Maslin, S Morrison, H Nicholson, T Pemberton, J Robinson, S Robinson, A Shield, L Taylor, M Williams and C Wilson.

Prior to the commencement of the meeting the Vice-Chairman of the Council formally reported the following deaths:-

- The terrible and tragic news surrounding the sudden death of the Chairman and consort's granddaughter, Megan Bell. The Vice-Chairman asked that everyone join with him in extending deepest sympathies to the Chairman, his consort and their families during this extremely sad time.
- The sudden death of Dave Hopper, General Secretary of the Durham National Union of Mineworks for the Durham area and the North East. Just over a week ago Dave had presided over the 132nd Durham Miners Gala, the 31st under his leadership and the greatest number of any General Secretary. The 2016 Gala attracted the largest crowd in 60 years and this achievement and the Galas to come would be his legacy. The Council's thoughts were with Dave's family and those closest to him.

Finally, it was also with great sadness to formally report the deaths of:-

- two former Easington District Councillors - Derek Thompson and Bill Peardon. Both had served as Chairman of the District Council in 1986/87 and 2000/01 respectively; and
- former Derwentside District Councillors, Sue Rothwell, the last Vice-Chair of the District Council before LGR and Syd Duggan who represented the Cornsay Ward on the District Council.

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

1 Minutes

The minutes of the meeting held on 22 June 2016 were confirmed by the Council as a correct record and signed by the Chairman.

2 Declarations of interest

Councillors S Henig and L Marshall declared an interest in Agenda Item No. 9 as Members of Pelton Fell Community Partnership.

3 Chairman's Announcements

The Head of Legal and Democratic Services referred to a question submitted by Councillor A Watson and advised that as the answer contained exempt material it had been moved to Part B of the agenda.

The Chairman announced that this was the last Council meeting for Rachael Shimmin, Corporate Director, Children and Adults Services, who would be leaving the Authority to take up her role as Chief Executive of Buckinghamshire County Council.

Councillor Henig, Leader of the Council thanked the Corporate Director on behalf of the Labour Group and all councillors for her contribution made to the Council over the last decade. He said that the Corporate Director had always given clear advice on a wide range of issues and said that she would face many new challenges in Buckinghamshire and wished her well for the future.

Councillor May, on behalf of the Durham Independent Group wished the Corporate Director well for her new appointment.

Councillor Hopgood, Leader of the Liberal Democrat Group praised the Corporate Director for her service. She said that she had always been professional, highly skilled and was fair. She wished her all the luck in the world for her new appointment.

Councillor R Bell, Leader of the Conservative Group thanked the Corporate Director for her distinguished leadership through complex and difficult issues. He wished her well in her new role.

Councillor J Shuttleworth, Leader of the Durham County Council Independent Group wished the Corporate Director well and thanked her for always having an open door.

Councillor L Hovvels, Portfolio holder for Adult and Health Services gave the Corporate Director her personal thanks as they had worked very closely together on a number of difficult issues. She thanked her for improving the lives of residents with health and community safety challenges and for serving the Council well. She praised the Corporate Director for always being professional and said that she was very well respected with partners of the Council. She wished the Corporate Director and her family the very best of luck.

The Corporate Director of Children and Adults Services said that she had thoroughly enjoyed working for the Council with a huge number of challenging projects. She thanked the elected members, past and present. She said that things do sometimes go wrong and despite difficult choices having to be made, members and officers worked collectively. She had enjoyed working with all of the portfolio holders and thanked them for their support and advice. She wished the Council the very best of luck for the future.

The Chairman advised that there was an exempt item on the agenda and asked that council agreed to allow the person who had been the subject of the tribunal case central to the item to remain in the chamber whilst the report was presented. The council agreed.

4 Leader's Report

The Leader of the Council reported that the Chief Officer Appointments Committee had made a permanent appointment to the post of Corporate Director, Resources, John Hewitt. Many members would be familiar with Mr Hewitt as he had previously worked for County Durham and Darlington Fire and Rescue Authority.

Ian Thompson and Lorraine O'Donnell had commenced their new roles of Corporate Director Regeneration and Local Services and Director of Transformation and Partnerships.

The process of appointing to permanent positions for the Corporate Director of Adult and Health Services and Corporate Director of Children and Young People's Services had commenced.

The Leader of the Council reported that there were a number of world class events taking place around County Durham and he had had the privilege of attending the following:-

- Kynran in Bishop Auckland – a visually stunning look at County Durham
- Shoes - a Pleasure/ Pain Exhibition at Bowes Museum
- Flying Scotsman visiting the Locomotion Museum in Shildon
- Open Treasure Exhibition at Durham Cathedral
- 1916 – No Turning Back at the Gala Theatre, Durham
- Somme Exhibition at the Palace Green, Durham

- Durham City Run
- Brass Festival 1916

He added that there was a huge amount of events taking place and that we should be very proud of the County.

The Leader of the Council reported that EU Referendum outcome had been felt at national level with a change in the Prime Minister and Cabinet. He said that this was an unstable period but emphasised the real need for everyone to come together.

Leaving the EU may have a major impact on County Durham but amongst the uncertainty the Combined Authority would be seeking assurances on part of the devolution deal and would continue to do so, seeking a commitment beyond 2020

He informed the Council that regeneration and economic development would remain a priority with efforts being doubled as we work successfully with the new government and that we should remain ambitious moving forward.

5 Questions from Area Action Partnerships

Questions had been received from the Teesdale Area Action Partnership and the Mid Durham Area Action Partnership relating to the following:

- What the County Council and its partners could do to reduce the number of serious road accidents in the Teesdale area.
- Concerns about the ongoing closures of the A1 and the impact of re-directing traffic through Barnard Castle.
- How the County Council and its partners were seeking to support and care for people with dementia, and their carers, and what the AAPs could do to support them.

Craig Morgan, Teesdale AAP Coordinator was in attendance to ask their questions and Janet Box, Mid Durham AAP Board Member was in attendance to ask their question.

Councillor J Allen, Portfolio Holder for Safer Communities and Councillor B Stephens, Portfolio Holder for Neighbourhoods and Local Partnerships thanked the Teesdale AAP for their questions and provided responses. Councillor L Hovvels, Portfolio Holder for Adult and Health Services thanked the Mid Durham 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 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 meeting held on 15 June 2016 (for copy see file of Minutes).

9 Community Governance Review - Pelton Fell

The Council considered a report of the Head of Legal and Democratic Services which advised of the outcome of the second consultation as part of the Community Governance Review of Pelton Fell (for copy see file of Minutes).

In **Moving** the report, Councillor A Napier, Portfolio Holder for Finance informed the Council that the turnout for the second consultation had doubled with interest being promoted by the Pelton Fell Community Partnership.

Councillor C Marshall **Seconded** approval of the report.

Resolved:

That the recommendations contained in the report be approved.

10 Local Determination Procedure for Standards Committee Hearings

The Council considered a report of the Head of Legal and Democratic Services which presented an updated Local Determination Procedure for Code of Conduct Complaints for adoption (for copy see file of Minutes).

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

Resolved:

That the updated procedure be adopted.

11 County Durham Youth Justice Plan 2016/17

The Council considered a report of the Corporate Director Children and Adults Services which presented the County Durham Youth Justice Plan 2016/17 for approval (for copy see file of Minutes).

The Plan had been approved by the County Durham Youth Offending Service Management Board on 9 May 2016 in line with Youth Justice Board and Ministry of Justice requirements, by Cabinet on 13 July 2016 and would be submitted to the Youth Justice Board following Council approval.

In **Moving** the report, Councillor O Johnson, Portfolio Holder for Children and Young People's Services praised the Youth Offending Services for reducing offending in partnership with the Police, Rehabilitation Service and the National Health Service. He went on to say that young people continue to be a priority within the County together with reducing those in custody. He thanked the management and staff within the service for receiving national recognition.

Councillor T Smith **Seconded** approval of the report, adding that County Durham Youth Offending Service were a great champion to restorative approaches and could effectively demonstrate the impact that the service has. She congratulated members of the service for receiving a Butler Trust award for helping to transform the service's approach to young people's communication needs.

Resolved:

That the Youth Justice Plan 2016/17 be approved.

12 Overview and Scrutiny Annual Report 2015/2016

The Council considered a report of the Assistant Chief Executive which presented the Overview and Scrutiny Annual Report for 2015/2016 (for copy see file of Minutes).

Councillor J Armstrong, Chairman of Overview and Scrutiny informed Council that the Annual Report contained details of key Scrutiny activity and achievements during 2015/16 and also the work programme for Overview and Scrutiny. The key activity and achievements included the following:

- Skills Development
- Free School Meals and Holiday Hunger
- 20 mph
- Alcohol and the Demand on Emergency Services

Overview and Scrutiny had also carried out reviews throughout 2015/16, including the following:

- Attendance Management
- Customer Relationship Management System (CRMS)
- Parking on Council Land

Councillor Armstrong added that a highlight of the year had been winning the Municipal Award for Scrutiny and Governance.

Resolved:

That the Council receive the Overview and Scrutiny Annual Report for 2015/16.

13 Motions on Notice

In accordance with a Notice of Motion it was **Moved** by Councillor Temple, **Seconded** by Councillor Hopgood

The European Structural and Investment Fund (ESIF) programme for 2014-2020 allocated circa €537 million for the North East LEP area, including €157 million for

County Durham as a Transition Region. County Durham also qualified for an additional €9 million to tackle youth unemployment and NEETs.

It is critical that this investment in skills, jobs, infrastructure and the environment is protected, and this Council therefore calls on the UK government to bring forward legislation to guarantee all current EU funding for the period 2014-2020 without delay.

This Council further calls on the Government to guarantee that post-2020 funding is provided to County Durham at a level at least equal to that currently provided jointly from the EU and UK.

Councillor N Foster **Moved** the following amendment to the Motion, **Seconded** by Councillor E Tomlinson:

The European Structural and Investment Fund (ESIF) programme for 2014-2020 allocated circa €537 million for the North East LEP area, including £73 million pounds of ERDF and over £56 million of European Social Fund ESF for County Durham as a Transition Region. County Durham also qualified for an additional £17m project specifically to be spent on Youth Employment Initiatives, €18 million of which is funding from EU. The project involves working on skills with young people who are NEET. The Community Led Local Development as raised at the last Cabinet is worth £3.7m for two deprived areas of the County. This complements the Leader programme itself worth £3.7m. Durham continues to seek projects from Transnational funding, including Horizon 2020 and Erasmus which in the past have benefited our communities and Educational facilities. We must ensure that the Government support our continued access to the European Investment bank which has supported the JEREMIE investment programs with loans of £125 Million.

It is critical that this investment in skills, jobs, infrastructure and the environment is protected, and this Council therefore calls on the UK government to bring forward legislation to guarantee all current EU funding for the period 2014-2020 without delay. Any such funding should be specifically ring fenced to the general purposes for which it was given. It must not be used to backfill previous or future Government austerity cuts. Nor if we are successful should this excuse the government not to give the County or the region its fair share of transport or other structural funding open to other areas.

The County should continue to work with the rest of the NECA area to seek to include the required guarantee as part of the devolution agreement. We should continue to work with other transition areas including Tees Valley to make common cause. The County must remain committed to local control involving our current partnerships enhanced to meet the changing circumstances. Seek to work with our local MP's and the Local Government Association to promote our cause.

This Council further calls on the Government to guarantee that post-2020 funding, as outlined above, is provided to County Durham and the rest our region at a level at least equal to that currently provided jointly from the EU and UK. That in addition

any short term Brexit windfall is not retained at the centre but proportionally distributed to the qualifying areas.

Councillor Temple informed the Council that because the Amendment reflected his Motion he was willing to accept the Amendment as the Substantive Motion.

Upon a vote being taken it was

Resolved:

That the European Structural and Investment Fund (ESIF) programme for 2014-2020 allocated circa €537 million for the North East LEP area, including £73 million pounds of ERDF and over £56 million of European Social Fund ESF for County Durham as a Transition Region. County Durham also qualified for an additional £17m project specifically to be spent on Youth Employment Initiatives, €18 million of which is funding from EU. The project involves working on skills with young people who are NEET. The Community Led Local Development as raised at the last Cabinet is worth £3.7m for two deprived areas of the County. This complements the Leader programme itself worth £3.7m. Durham continues to seek projects from Transnational funding, including Horizon 2020 and Erasmus which in the past have benefited our communities and Educational facilities. We must ensure that the Government support our continued access to the European Investment bank which has supported the JEREMIE investment programs with loans of £125 Million.

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This Council further calls on the Government to guarantee that post-2020 funding, as outlined above, is provided to County Durham and the rest our region at a level at least equal to that currently provided jointly from the EU and UK. That in addition any short term Brexit windfall is not retained at the centre but proportionally distributed to the qualifying areas.

In accordance with a Notice of Motion it was **Moved** by Councillor Wilkes:

We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. We, Durham County Council condemn

racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Durham County Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in County Durham that they are valued members of our community.

Councillor R Bell **Moved** the following amendment to the Motion, **Seconded** by Councillor T Henderson:

Durham County Council reassures all people living in County Durham that they are valued members of our community. It deplores those actions and words which incite hatred and lead to the victimisation of groups within society. It calls upon people on all sides of political arguments to show respect, and avoid the use of intemperate and inflammatory language. DCC will continue to work with the Police, Police & Crime Commissioner & others to fight racism, homophobia, religious intolerance and hate crimes.

Councillor Bell informed the Council that he wished to add the following to his amendment:-

and that appropriate resources be added to that end.

Councillor Wilkes informed the Council that he accepted the Amendment.

Upon a vote being taken it was

Resolved:

That Durham County Council reassures all people living in County Durham that they are valued members of our community. It deplores those actions and words which incite hatred and lead to the victimisation of groups within society. It calls upon people on all sides of political arguments to show respect, and avoid the use of intemperate and inflammatory language. DCC will continue to work with the Police, Police & Crime Commissioner & others to fight racism, homophobia, religious intolerance and hate crimes and that appropriate resources be added to that end.

14 Questions from Members

The Head of Legal and Democratic Services reminded Members that the question submitted by Councillor A Watson had been moved to Part B of the agenda.

15 Exclusion of the public

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

Resolved:

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it

involves the likely disclosure of exempt information as defined in paragraphs 2 and 3 of Schedule 12A to the said Act.

16 Independent Review - Employment Tribunal Case Award

The Council considered a report of Chief Internal Auditor and Corporate Fraud Manager that presented the findings of an independent review by the Council's Internal Audit Service into the circumstances which led to a significant compensatory payment following an Employment Tribunal Case (for copy see file of Minutes).

Resolved:-

That the recommendations within the report be noted.

17 Questions from Members

Councillor A Watson

Having looked at the reasons for the Independent Review of the Employment Tribunal case award, for it not being before the Press and public. What is the justification for the public/the council taxpayer who are picking up the bill of £1.5m, plus officer and legal costs, to be denied the opportunity to evidence themselves of this investigation, which this Council was informed would be thorough and transparent. How can it be when this report is being presented in camera? The public have a right to know that lessons have been learned and procedures are in place to prevent this experience ever happening again.

The Head of Legal and Democratic Services thanked Councillor Watson for his question and provided a response.