



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 21 June 2017 at 10.00 a.m.** to transact the following business:-

1. To confirm the minutes of the meeting held on 24 May 2017 (Pages 3 - 12)
2. To receive any declarations of interest from Members
3. Chairman's Announcements
4. Leader's Report
5. Questions from Area Action Partnerships
6. Questions from the Public
7. Petitions
8. Report from the Cabinet (Pages 13 - 24)
9. Teaching Assistants – Review of Terms and Conditions - Joint Report of Corporate Director of Resources and Corporate Director of Children and Young People's Services (Pages 25 - 26)
10. Community Governance Review - Central unparished areas of Durham City - Report of Interim Head of Legal and Democratic Services (Pages 27 - 44)
11. Motions on Notice
12. Questions from Members

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

Dated this 13th day of June 2017

A handwritten signature in black ink, appearing to read 'Clare Pattinson', written in a cursive style.

Clare Pattinson
Interim Head of Legal and Democratic Services

To: All Members of the County Council

DURHAM COUNTY COUNCIL

At the Annual Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 24 May 2017 at 10.00 a.m.**

Present:

Councillor E Bell in the Chair

Councillors E Adam, J Atkinson, P Atkinson, B Avery, A Bainbridge, B Bainbridge, A Batey, A Bell, J Bell, J Blakey, G Bleasdale, L Boyd, D Boyes, P Brookes, J Brown, L Brown, C Carr, J Carr, J Chaplow, J Clare, J Clark, M Clarke, I Cochrane, J Considine, K Corrigan, P Crathorne, R Crute, G Darkes, M Davinson, S Dunn, S Durham, D Freeman, A Gardner, N Grayson, O Gunn, C Hampson, K Hawley, T Henderson, S Henig, D Hicks, A Hopgood, K Hopper, L Hovvels, P Howell, S Hugill, E Huntington, S Iveson, I Jewell, O Johnson, P Jopling, C Kay, B Kellett, A Laing, J Lethbridge, K Liddell, J Maitland, R Manchester, C Marshall, L Marshall, C Martin, E Mavin, L Mavin, M McGaun, M McKeon, I McLean, S Morrison, A Napier, M Nicholls, H Nicholson, J Nicholson, A Patterson, C Potts, L Pounder, S Quinn, G Richardson, J Robinson, J Rowlandson, A Savory, E Scott, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, H Smith, T Smith, W Stelling, J Stephenson, B Stephens, D Stoker, A Surtees, L Taylor, P Taylor, O Temple, K Thompson, F Tinsley, T Tucker, J Turnbull, A Watson, M Wilkes, A Willis, C Wilson, M Wilson, D Wood, R Yorke and S Zair

Apologies for absence were received from Councillors J Allen, D Bell, R Bell, H Bennett, J Charlton, H Liddle, L Maddison, J Makepeace, S McDonnell, O Milburn, P Oliver, R Ormerod, A Reed and S Robinson

Prior to the commencement of the meeting the Chairman referred to the recent act of terrorism in Manchester which had claimed many young lives. The Chairman also reported the death of former Teesdale District Councillor and Alderman Ken Robinson who had held the positions of Chairman and Leader of the Council and had also served on Lynesack and Softley Parish Council.

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

1 Election of Chairman

Moved by Councillor C Carr, **Seconded** by Councillor K Shaw and

Resolved:

That Councillor B Kellett be elected to the Office of Chairman of the Council for the ensuing year.

Councillor B Kellett subscribed the Statutory Declaration accepting the Office.

Councillor E Bell vacated the Chair.

Councillor B Kellett in the Chair

In accepting the Office of Chairman of the Council the Chairman informed Council that it would be an honour and privilege to carry out such a role.

The Chairman informed Council that the charity he would be supporting during his Term of Office was the Great North Air Ambulance.

2 Presentation to Retiring Chairman

The Chairman paid tribute to the services of Councillor Bell during his term of office and presented a Past Chairman's Medal to Councillor Bell incorporating the Council's Coat of Arms as a token of the Council's appreciation of his services during his period of office. The Chairman also paid tribute to Councillor Bell's wife and consort, Jennifer, who had been a great support to Councillor Bell during his period of office.

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

In response, Councillor Bell thanked both the incoming Chairman and all Councillors for the presentation and expressed his appreciation to all who had supported and assisted him during the year. Councillor Bell particularly thanked Councillors Blakey, Brookes and Smith for their fundraising activities for his chosen charities, the North East District Resource Centre and Dementia Durham. Councillor Bell thanked former Councillor Dixon for his support as Vice-Chairman throughout the year.

Councillor Bell offered his congratulations to Councillor Kellett and his consort and wished him well for his year in office. Finally, Councillor Bell thanked his wife and consort, Jennifer, for her unwavering support throughout the year.

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

Councillor Bell informed Council that over £20,000 had been raised for his chosen charities during his term of office and presented a cheque for £5,000 to the North East Disability Resource Centre. A number of dementia clubs in County Durham would receive cheques for £500.

3 Election of Vice-Chairman

Moved by Councillor C Kay, **Seconded** by Councillor J Robinson and

Resolved:

That Councillor J Lethbridge be elected Vice-Chairman of the Council for the ensuing year.

Councillor Lethbridge subscribed the Statutory Declaration accepting the Office.

4 Minutes

The minutes of the meeting held on 22 March 2017 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 Statement from the Returning Officer

The Council noted the Statement of the County Returning Officer which showed the names of the persons elected at the Elections on 4 May 2017 (for copy see file of Minutes).

7 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.

Code of Conduct

The Chairman reminded all Members of their obligations under the Code of Conduct and asked that all Members address each other in the correct manner during meetings and show respect at all times.

Declaration of Pecuniary and Other Interests Forms

The Chairman reminded all Members of the need to complete and return their Declaration of Pecuniary and Other Interests form, on the basis that appointments to Joint and Other Bodies were agreed at the meeting.

Members had 28 days from the date of election to complete and return this form. Members who had completed and returned their forms would need to check to make sure that there was nothing to add further since they had completed the form.

Chairman's Charity

The Chairman informed Council that his chosen charity for his term of office was the Great North Air Ambulance.

8 Election of Leader of the Council

Moved by Councillor J Robinson, **Seconded** by Councillor A Laing and

Resolved:

That Councillor Henig be elected Leader of the Council.

9 Leaders Announcement of Deputy Leader and Cabinet Members

Councillor Henig announced the following Cabinet Members, along with their respective portfolios and Support Members:

Leader of the Council Cllr Simon Henig Cllr Stuart Dunn	<ul style="list-style-type: none">● Overall co-ordination of policy, including MTFP● Council strategy● Performance framework and monitoring● County Durham Partnership● External Partnerships● Communications● Legal and Democratic Services+
Deputy Leader and Finance Cllr Alan Napier Cllr Lyn Boyd	<ul style="list-style-type: none">● Finance● Legal and Democratic Services+● Risk Management
Adult and Health Services Cllr Lucy Hovvels Cllr Audrey Laing	<ul style="list-style-type: none">● Adult Social Care Services● Adult Safeguarding● Adult Social Care Commissioning● Health and Wellbeing● Public Health● Community Safety● Links with Durham Police● Veterans champion● Mental Health champion
Children and Young People's Services Cllr Olwyn Gunn Cllr Maura McKeon	<ul style="list-style-type: none">● Education 0-19● Specialist and Safeguarding Children's Services● Youth Services, including Youth Offending Services● Children's Centres● Adult learning● Health and wellbeing board member

<p>Economic Regeneration</p> <p>Cllr Carl Marshall Cllr Simon Wilson</p>	<ul style="list-style-type: none"> ● Economic Development ● Town Centres ● Regeneration ● Skills agenda ● Spatial Planning / County Durham Plan ● Strategic Transport / Local Transport Plan ● Development Control
<p>Neighbourhoods and local partnerships</p> <p>Cllr Brian Stephens Cllr Rob Yorke</p>	<ul style="list-style-type: none"> ● Area Action Partnerships ● Relationships with Town and Parish Councils ● Community Development ● Community Facilities ● Neighbourhood Streetscene ● Environment Policy, including sustainability & climate change ● Environment, Health and Consumer Protection ● Highways ● Waste Management ● Direct Services ● Bereavement services
<p>Social Inclusion</p> <p>Cllr Jane Brown Cllr Angela Surtees</p>	<ul style="list-style-type: none"> ● Carers ● Human Resources ● Welfare reform and impact ● Welfare rights
<p>Strategic Housing and Assets</p> <p>Cllr Kevin Shaw Cllr Ian McLean</p>	<ul style="list-style-type: none"> ● Housing strategy ● Homelessness ● Private sector housing issues ● Fuel poverty / Energy efficiency ● Links with Housing providers ● Assets (land and property) ● Travellers liaison service
<p>Tourism, Culture, Leisure and Rural Issues</p> <p>Cllr Ossie Johnson Cllr Tracie Smith</p>	<ul style="list-style-type: none"> ● Tourism, Arts and Culture ● Events ● Leisure services ● Parks ● Allotments ● Rural champion
<p>Transformation</p> <p>Cllr Joy Allen Cllr Katie Corrigan</p>	<ul style="list-style-type: none"> ● Council transformation programme ● ICT ● Customer Services ● Libraries ● Emergency planning ● Equality and Diversity ● Humanitarian Support Partnership

Councillor Henig thanked former Councillors N Foster, M Plews and E Tomlinson for their service to the Cabinet and the Council.

10 **Appointments 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 Interim Head of Legal and Democratic Services regarding the appointment of Council Bodies and Allocation of Seats to Political Groups under Section 15 of the Local Government and Housing Act 1989 (for copy see file of Minutes).

Councillor Henig advised that his nomination of representatives to the Health and Wellbeing Board were:

Portfolio Holders for Adult and Health Services, Children and Young People's Services and the Chairman of the Adults, Wellbeing and Health Scrutiny Committee.

Moved by Councillor A Laing, **Seconded** by Councillor J Robinson and

Resolved:

That the recommendations contained in the report be agreed.

11 **Appointment of Chairmen and Vice-Chairmen**

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

Councillor Hopgood referred to the appointment of Chairmen and Vice-Chairmen to non-executive and regulatory committees and requested that the Constitution Working Group produce a report on best practice for filling these positions. Councillor Henig replied that the Constitution Working Group was established to examine all parts of the Constitution, however, any recommendations from the Group needed to be approved by Council.

Non-Executive/Regulatory Committees	Chairman	Vice-Chairman
Appeals and Complaints Committee	Councillor J Bell	Councillor D Wood
Audit Committee	Councillor E Bell	*Councillor J Rowlandson
Chief Officer Appointments Committee	Councillor S Henig	Councillor A Napier
Highways Committee	Councillor C Kay	Councillor S Morrison
Human Resources Committee	Councillor S Iveson	Councillor J Clark
General Licensing and Registration Committee	Councillor C Carr	Councillor J Maitland
Statutory Licensing Committee	Councillor C Carr	Councillor L Marshall Councillor P Crathorne
General Licensing and Registration Sub-Committee's	Councillor L Marshall (1) Councillor C Carr (2)	

	Councillor P Crathorne (3)	
Statutory Licensing Sub-Committee	Councillor L Marshall (1) Councillor C Carr (2) Councillor P Crathorne (3)	
Standards Committee	Councillor B Kellett	Councillor E Huntington
County Planning Committee	Councillor J Robinson	Councillor F Tinsley
Area Planning Committee (North)	Councillor I Jewell	Councillor S Wilson
Area Planning Committee (Central and East)	Councillor P Taylor	Councillor A Laing
Area Planning Committee (South and West)	Councillor H Nicholson	Councillor J Clare
Pension Fund Committee	Councillor M Davinson	*Councillor O Temple
Corporate Parenting Panel	Councillor P Brookes	Councillor H Smith
Overview and Scrutiny Committees		
Corporate Overview and Scrutiny Management Board	Councillor R Crute	Councillor A Patterson
Children and Young People's Scrutiny Committee	Councillor C Potts	Councillor H Smith
Safer and Stronger Communities Scrutiny Committee	Councillor D Boyes	Councillor H Liddle
Environment and Sustainable Communities Scrutiny Committee	Councillor E Adam	Councillor O Milburn
Economy and Enterprise Scrutiny Committee	Councillor A Batey	Councillor M Clarke
Adults, Wellbeing and Health Scrutiny Committee	Councillor M Nicholls	Councillor J Chaplow

*Minority Group

12 Appointments to Joint and Other Bodies 2017/2018

The Council considered a report of the Interim Head of Legal and Democratic Services detailing appointments to joint and other bodies for 2017/18 (for copy see file of Minutes).

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

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 for 2017/18, and agrees that with the revised number of groups on the Council, the number of seats on the County Durham Development Company be increased from 14 to 15 to include representation by each of the group leaders on the Council.

- (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 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, or its Operations Committee.
- (d) That the Head of Legal and Democratic Services be authorised, in consultation with the appropriate Group Leader(s), to make any changes to memberships of the main outside bodies/joint bodies approved by Council, which may become necessary during the course of 2017/18.
- (e) That the allocation of seats on the Chartered Trust as detailed in Appendix 3 be agreed. That Councillor C Marshall be appointed as the Cabinet Member to serve on the Trust and that Councillor E Bell be the additional Member.
- (f) That the allocation of seats on the Police and Crime Panel as detailed in Appendix 4 be agreed.
- (g) 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 J Robinson, **Seconded** by Councillor L Marshall and

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 of the NELB – Councillor A Napier;
- c) Two members to the Transport North East Committee (TNEC) – Councillors C Marshall and K Shaw;
- 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 B Kellett;
- g) Two members to be representatives on the Overview and Scrutiny Committee – Councillors R Crute and A Patterson
- h) Substitute member on the Overview and Scrutiny Committee – Councillor A Batey
- i) One member to the Economic Development and Regeneration Advisory Board – Councillor C Marshall
- j) Substitute member to the Economic Development and Regeneration Advisory Board – Councillor K Shaw

Appointments to the County Durham Housing Group

- a) Two members to the County Durham Housing Group Board – Councillors D Boyes and K Shaw
- b) Three members to the County Durham Housing Group Operations Committee – Councillors J Clark, B Kellett and C Wilson.

13 The Constitution

The Council considered a report of the Interim Head of Legal and Democratic Services which presented the Constitution of the new Council (for copy see file of Minutes).

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

Resolved:

- (a) That the new Constitution be approved;
- (b) That the Scheme of Delegations as set out in Part 3 of the Constitution be approved;
- (c) That the Head of Legal and Democratic Services be authorised, following consultation with the Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council, or a Council body, to comply with legal requirements, or to correct inaccuracies.

14 Dates of Council meetings for 2017/18

Resolved:

That the dates of meetings of the County Council for 2017/18 be as follows:

Wednesday 21 June 2017
Wednesday 19 July 2017
Wednesday 20 September 2017
Wednesday 1 November 2017
Wednesday 6 December 2017
Wednesday 24 January 2018
Wednesday 21 February 2018
Wednesday 18 April 2018
Wednesday 23 May 2018

21 June 2017

Report from the Cabinet



Purpose of the Report

To provide information to the Council on issues considered by the Cabinet on 15 March 2017 to enable Members to ask related questions.

Members are asked to table any questions on items in this report by 2 pm on 20 June 2017 in order for them to be displayed on the screens in the Council Chamber.

Contents

- Item 1 Forecast of Revenue and Capital Outturn 2016/17 – Period to 31 December 2016
- Item 2 Quarter Three 2016/17 Performance Management Report
- Item 3 Care Leavers Support Update
- Item 4 Oral Health Strategy
- Item 5 Integration of the Health and Social Care Services Update
- Item 6 Economic Activity in County Durham
- Item 7 Cultural Activity Impact Report

1. **Forecast of Revenue and Capital Outturn 2016/17 – Period to 31 December 2016**
Deputy Leader of the Council– Councillor Alan Napier
Contact – Jeff Garfoot 03000 261946

We have considered a report of the Corporate Director of Resources which provided Cabinet with an updated forecast of 2016/17 revenue and capital outturn, based on the period to 31 December 2016 including an updated forecast for the Council's Council Tax and Business Rates Collection Fund position at 31 March 2017.

This report updated Cabinet on the position presented on 16 November 2016 that showed the forecasted revenue and capital outturn based on expenditure

and income up to 30 September 2016, providing updates to these forecasts and revised forecast balances on general reserves and earmarked reserves at 31 March 2017. The report also included the updated forecasts for the Council Tax Collection Fund and Business Rates Collection Fund for 2016/17.

Revenue Outturn Forecast – Based on Position to 31 December 2016

The following adjustments have been made to the original budget agreed by Full Council in February 2016:

- (a) agreed budget transfers between Service Groupings;
- (b) additions to budget for items outside the cash limit
- (c) planned use of or contribution to Earmarked Reserves (referred to at Appendix 4 of the report);

Capital

On 16 November 2016 Cabinet received a report which provided details of the 2016/17 Capital Programme which included the original budget reported to the Member Officer Working Group (MOWG) in May 2016, the revised budget reported to MOWG in October 2016 as well as the actual expenditure incurred as at September 2016 and the proposed outturn.

Budget managers in all Services continually monitor the schemes for which they are responsible and all changes to capital budgets are submitted to MOWG for consideration. Since the previous report to Cabinet, MOWG has considered further revisions to the capital programme, due to the additional resources received by the authority and requests for reprofiling as budget holders review their capital schemes. The revised 2016/17 Capital Programme approved by Cabinet on 16 November 2016 is £135.075 million.

The report also provided details on the position in respect of Council Tax and Business Rates Collection Funds.

Decision

We have:

- (a) noted the projected change in the Council's overall financial position for 2016/17;
- (b) agreed the proposed 'sums outside the cash limit' for approval;
- (c) agreed the revenue and capital budget adjustments;
- (d) noted the forecast use of Earmarked Reserves;
- (e) noted the forecast end of year position for the Cash Limit and General Reserves;

- (f) noted the position on the Capital Programme and the Collection Funds in respect of Council Tax and Business Rates.

**2. Quarter Three 2016/17 Performance Management Report
Leader of the Council – Councillor Simon Henig
Contact – Jenny Haworth 03000 268071**

We have considered a report of the Director of Transformation and Partnerships which presented progress against the council's Corporate Performance framework by Altogether Priority theme for the third quarter of the 2016/17 financial year, covering the period October to December 2016.

Despite the ongoing effects of austerity on the council, performance levels continue to improve or be maintained in many key areas. The council has identified job creation as its key priority. This quarter County Durham has experienced its highest employment rate since December 2008. Final educational attainment results confirm that children in Durham are performing well across the different key stages. Low levels of delayed transfers of care from hospital continue. People killed and seriously injured in road traffic accidents have reduced substantially compared to last year. Surveys show that streets and open spaces continue to have lower levels of litter, detritus and dog fouling than nationally.

In other areas we see a pattern of increasing needs or demand, and some performance challenges. Work continues to improve children's services. There has been a significant increase in the number of looked after children since the same time last year due to an increased focus on neglect and greater social worker oversight. The increased rate in Durham now more closely reflects levels across the North East, which are higher than the national average. Childhood obesity levels remain an issue. Suicide in County Durham continues to rise. Whilst suicides are rising nationally the increase is higher in Durham. Adults, Wellbeing and Health Overview and Scrutiny Committee are currently carrying out a review in this area. Fly-tipping incidents continue to increase from their low point at the same time last year although media coverage has shown this to be a national problem.

Decision

We have:

- (a) Considered and commented on the council's performance at quarter three.
- (b) Agreed the changes to the Council Plan outlined below:

Altogether Wealthier

- (i) Delivery of physical regeneration improvements in Crook Town Centre has been delayed from December 2016 to April 2017 due

to a late submission of the planning application, which delayed the exchange of contracts.

- (ii) Agreeing a programme of works for Festival Walk at Spennymoor is behind target from December 2016 to March 2017 due to a delay affecting demolition.
- (iii) Delivery of access improvements to Durham rail station has been delayed from October 2016 to March 2017. Commencement of the work was postponed until January 2017 following a utility strike.
- (iv) Work to develop and improve the strategic cycle route network across County Durham has been delayed from March 2017 as negotiations to purchase land, which will reduce the scale of alterations to the existing carriageway, take place. The revised date is to be confirmed.
- (v) Support the development of the North East Local Transport Plan and lead on the development of the associated County Durham supporting strategies by December 2017 has been delayed until January 2018 due to delays with the consultation strategy.
- (vi) Securing a developer for the North East Industrial Estate in Peterlee has been delayed from March 2017 to March 2018. Considering the time required to complete internal processes, the remaining acquisitions (eight sites) are targeted to be completed in the current and next financial year.
- (vii) The implementation of the new Durham Cinema Partnership Development Phase two and three has been delayed from October 2016 to December 2017. Phase two and three have been amalgamated and the deadline extended to reflect the scale of the project and the intended structural works.
- (viii) Development of a new operating model for Bishop Auckland Town Hall to increase income generation through improving the range of facilities, public interest and access by October 2016 is behind target with the completion date revised to March 2017. The delay is to allow for identification and development of the preferred operating model.

Altogether Safer

- (ix) Delivery of phase two of the Stronger Families Programme to 4,360 families by March 2019 is behind target and the completion date has been revised to March 2020. Performance has been affected by delays in the Department of Communities and Local Government publishing the frameworks and guidance, and increased complexities and challenges in turning around families.

Altogether Greener

- (x) The commission of a replacement Waste Transfer Station at Thornley Waste Transfer site has been delayed from November 2016 to May 2017. The construction start date was delayed due to extended discussions over design changes but this is now progressing well.
- (xi) The review of the location of fleet vehicles to align with service delivery areas by October 2016 is behind target and the completion date has been revised to September 2017. Refuse vehicles have been relocated from Meadowfield to Hackworth Road, Peterlee in-line with service user requirements. Discussions with additional service users have been delayed due to the restructure of Fleet Services.

Altogether Better Council

- (xii) The publishing of an annual Public Sector Equality Duty update including an annual workforce profile has been delayed from December 2016 to April 2017 due to other priorities.
- (xiii) As part of the renewal of the County Durham Partnership (CDP), the development and implementation a programme of change has been delayed from December 2016 to March 2017, due to the ongoing partnership review as part of the Transformation Programme.
- (xiv) Submission of the funding application to Heritage Lottery Fund for delivery of the archive project is delayed, due to the ongoing work to identify a preferred site with revised dates not yet available.
- (xv) The undertaking of a council wide employee survey in line with agreed scrutiny recommendations has been deferred from October 2016 to March 2017. It has taken more time than initially envisaged with the emerging approaches to surveying staff on mental health and wellbeing issues.
- (xvi) Development of a countywide Cemetery Policy has been delayed from December 2016 to December 2017. The existing Cemetery Policy has been reviewed and work is ongoing with colleagues in Assets on the available land to complete the assessment work which requires more time.
- (xvii) The review of public conveniences to ascertain the distribution and standard of provision to inform future countywide proposals by December 2016 is behind target with a revised completion date of March 2017.

Deleted actions

Altogether Better Council

(xviii) Develop a corporate approach for workforce planning will be considered in more detail as part of the work of the Transformation Programme and is therefore to be deleted.

3. Care Leavers Support Update **Cabinet Portfolio Holder – Councillor Olwyn Gunn** **Contact – Carole Payne 03000 268657**

We have considered a report of the Corporate Director of Children and Young People's Services which provided an update on the actions taken by Durham County Council to support Care Leavers as well as on the related policy developments, details of which were contained in Appendix 2 of the report.

Care Leavers are young people who have been in the care of the local authority for 13 weeks or more at any time. The Council is responsible for them as corporate parents. Durham County Council has recognised that this group of young people is particularly vulnerable and has taken a range of actions to improve their outcomes.

The new and emerging policy developments contained in the Children and Social Work Bill as well as the 'Keep on Caring' strategy require the Council to develop and improve some aspects of current provision. The following actions will be carried out:

- (a) Extension of access to Personal Advisers to the age of 25;
- (b) Development of a Local Offer for Care Leavers;
- (c) Further strengthening of the corporate parenting principles throughout the Council with the governance review of the Corporate Parenting Panel;
- (d) Joint work between CYPS and DWP to establish the Universal Credit access pathway for Care Leavers before they reach 18 years of age as well as to identify training needs for Personal Advisers in relation to Universal Credit;
- (e) Addressing the impact of changes to the immigration law announced in the Immigration Act 2016 on Care Leavers. This area of work is currently being considered by Durham County Council

Durham County Council has already incorporated a number of actions into its practice in order to provide comprehensive support to Care Leavers:

- (a) Completion of 'Staying Close' a requirement for young people leaving residential care on an individual care-planning basis. The Care Leaver Accommodation and Support Protocol (CLASP) to initiate the planning process including considering housing options when Looked After Children reach the age of 16. Incorporation of the 'Staying Put' duty for young people

- leaving foster care into day-to-day practice and housing provision procedures;
- (b) Provision of comprehensive education, employment and training support to Care Leavers via a project co-ordinator who works closely with the three Durham Works Transition Workers to maximise looked after young people and Care Leavers' employment opportunities;
 - (c) Establishment and implementation of specialist mental health and substance misuse pathways for all young people including Care Leavers;
 - (d) Development and implementation of a Care Leavers Strategy (2015-2018) and Care Leavers Action Plan (2015-2018) in accordance with the national Care Leavers Strategy;
 - (e) The Chief Executive continues to champion the needs of Care Leavers and meets with them on a regular basis.

Decision

We have:

- (a) Noted the content of the report;
- (b) Endorsed the additional actions to be undertaken to ensure Care Leavers are provided with the skills and knowledge to maintain independent and fulfilling lives.

4. Oral Health Strategy Cabinet Portfolio Holder – Councillor Lucy Hovvels Contact – Gill O'Neill 03000 267696

We have considered a joint report of the Corporate Director of Adult and Health Services and the Interim Director of Public Health which presented the Oral Health Strategy for County Durham for agreement.

The National Institute for Health and Care Excellence (NICE) Public Health 55 Guidance made 21 recommendations to improve the oral health of communities. The first recommendation is the development of a stakeholder group that in turn will assist in the development of a strategy to deliver the majority of the other recommendations. The oral health strategy group has been established and has developed an oral health strategy.

The development of the strategy has been led by a multi-disciplinary steering group consisting of members taken from the local dental network, paediatricians, dental anaesthetists, Durham County Council Children's Services, Health Visiting Services, Durham County Council Commissioning for Adult Services, Public Health and Public Health England (PHE). A consultation process sought the views of the public, key stakeholders, partnership groups and Overview and Scrutiny Committees across County Durham. There was significant support for the Oral Health Strategy and its aims to improve oral health in County Durham.

Feedback from consultation suggested amendments to the Action Plan. This included the possible expansion of certain actions to include a wider cohort of people, or amendments to terminology to reflect the current provision of dental health within County Durham. These amendments have been made to the Action Plan, and will be analysed and progressed by the Oral Health Steering Group once the Action Plan is operational. The Oral Health Steering Group will implement the Action Plan and ensure a partnership approach to the agenda.

Decision

We have agreed the Oral Health Strategy.

5. Integration of the Health and Social Care Services Update Cabinet Portfolio Holder – Councillor Lucy Hovvels Contact – Lee Alexander 03000 267354

We have considered a report of the Corporate Director of Adult and Health Services on the further integration of health and social care services.

A previous report presented to Cabinet on 16 September 2015 provided an overview of the changes required to implement Part 1 of the Care Act 2014 and included an update on the transformation of Adult Care in County Durham. The duties and requirements of the Care Act 2014, which came into force on 1 April 2015, are now fully embedded and change the way adult social care and support is designed, commissioned and delivered promoting integration with the NHS and other health-related services. As part of the Spending Review 2015, the Government announced a requirement that all local areas integrate health and social care services by 2020.

Health and Wellbeing Boards are responsible for promoting integrated working between commissioners of health services, public health and social care services, for the purposes of advancing the health and wellbeing of the local population. The Local Government Association Health and Wellbeing Board Peer Review Challenge in 2015 acknowledged the great deal of work already undertaken towards integrated working through joint working in County Durham. The Peer Team also considered that the strength of the partnership and the maturity of the Health and Wellbeing Board provides the ideal preconditions for Durham to be exploring how to push boundaries and look for more radical options in extending health and social care integration. To progress the further development and implementation of integrated services across County Durham, a Director of Integration has been appointed, for a 2-year period. A key part of this role will be to implement a Community Hub model as previously discussed with members of the Health and Well-Being Board.

The integration of health and social care is moving at pace, in order to meet the demands of an increasing and ageing population with more complex health and social care needs and responding to the extremely challenging financial context of Local Government.

Decision

We have:

- a) Noted the contents of the report.
- b) Agreed to receive further updates in relation to Integration of Health and Social Care Services on a six monthly basis.

6. Economic Activity in County Durham Cabinet Portfolio Holder – Councillor Carl Marshall Contact – Sarah Robson 03000 267322

We have considered a report of the Corporate Director of Regeneration and Local Services which provided an overview of activity to support the economy of County Durham over the last 12-18 months and sought endorsement of proposed activity for the coming year.

The Sustainable Community Strategy sets out a clear direction for Council activity with growth within the economy being identified as the number one priority. The County Durham Regeneration Statement underpins the Sustainable Communities Strategy and outlines how the underlying ambition of creating sustainable places where people want to live, work, invest and visit can be achieved. The objectives of the priority theme of 'Altogether Wealthier' are:

- Thriving Durham City
- Vibrant and Successful Towns
- Competitive and Successful People
- Sustainable Neighbourhoods and Rural Communities
- A Top Location for Business

In addition to 'Altogether Wealthier' the service groupings activities contribute towards Altogether Greener, Altogether Better for Children and Young People and Altogether Better Council. In order to deliver against these objectives there has been continued focus on the key themes of:

- Place based regeneration and growth;
- Increased employment and training opportunities;
- Developing County Durham for business attraction and growth;
- Continued focus on financial and social inclusion.

This work has been undertaken at a time of major change in the operating environment of local government with the most significant reductions in public

spending ever undertaken by a national government. The report provided evidence of success which is a major step forward in delivering an altogether wealthier County Durham.

The future approach will be delivered through the Councils continued commitment to improving the economy of County Durham. This will ensure a joined up approach to economic development, transport, housing, skills and financial and social inclusion. Work will continue on developing the County Durham Plan which will shape the county up to the year 2033, guiding the amount of new development needed for housing, potential job creation and future retail spaces as well as what infrastructure is needed to support these, such as transport, schools and green spaces. Work is currently paused to integrate the details of the Housing White Paper recently published.

Funding for major transport projects will continue to be sought which help reduce congestion and facilitate development. A number of projects aimed at supporting businesses in County Durham to grow, thereby supporting the economy will be progressed.

Decision

We have:

- (a) noted the positive achievements of the last 12-18 months;
- (b) endorsed the activity proposed for 2017.

7. Cultural Activity Impact Report Cabinet Portfolio Holder – Councillor Ossie Johnson Contact – Stephen Howell 07889995427

We have considered a report of the Corporate Director of Regeneration and Local Services updating on the County's Cultural Programme. The report reflected on the recent achievements of the county wide programme and sought support for future cultural activity.

The County's cultural assets and creative output continue to grow. They now not only attract considerable visitors and inward investment but enhance the Council's and County's reputation on a local, regional, national and international level, with residents, visitors and investors alike. This continued growth has been the result of a number of factors including public, private and third sector's collective ambition and investment in the value and impact of cultural activity. Growth through the Cultural sector continues to be part of the Council's planning for regeneration and economic development.

County Durham's cultural offer continues to grow year on year and is estimated to be reaching circa £50 million annual expenditure, employing over 2000 people, whilst engaging over 100 apprentices and delivering 1000s of volunteer experiences. The wider sector now provides millions of opportunities to engage with art and culture for residents and visitors alike,

generating an income of circa £20 million per annum across the County. There are a wide number of benefits that can be gleaned from an active arts and cultural sector; all of which County Durham has benefited from through its on-going investment in culture. In terms of reviewing these, and encompassing the focus of the County's vision it is helpful to consider these under two broad areas namely economic impact and place shaping and reputation benefits.

Whilst the cultural sector is funded predominantly from earned income it continues to require public subsidy in most instances. This comes from both national and local resources and is a vital ingredient in sustaining the offer. Bowes, Beamish, Forge and Tin Arts, together with the County Council are National Portfolio Organisations funded by Arts Council England to enhance sustainability and grow their offer. This programme alone has attracted over £3 million, over 3 years, into the County. It is vital that the sector retains the ability and creative ambition to continue to access these resources. The Council also directly and indirectly funds many aspects of the cultural offer again vital to benefits of the sector.

Decision

We have:

- (a) recognised the impact of the cultural sector within the county including that made directly by the Council;
- (b) continued to support and celebrate the sector in its achievements;
- (c) endorsed the future programme of cultural activity planned across the County.

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

13 June 2017

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County Council

21 June 2017



Teaching assistants – Review of Terms and Conditions

Report of Corporate Management Team

Joint Report of John Hewitt, Corporate Director Resources and Margaret Whellans, Corporate Director Children and Young People's Services

Councillor Jane Brown, Cabinet Portfolio Holder for Social Inclusion and Councillor Olwyn Gunn, Cabinet Portfolio Holder for Children and Young People's Services

Purpose of the Report

- 1 To provide Council with an update following the review of roles and responsibilities of teaching assistants which has been undertaken with Trade Unions and representatives from Head teachers and Teaching Assistants and also to seek authority for a revised proposal in relation to changes to teaching assistant terms and conditions of employment to be made.
- 2 It was hoped that the final offer would have been included in this report at the point at which papers were dispatched. However there are a small number of issues that require further discussion although it is hoped that these will be resolved in the near future. The detail of the offer will be communicated to Council as soon as it is finalised with the recognised trade unions, and in any event in advance of the Council meeting.
- 3 Whilst it has not been possible to include the full terms of the offer with all other papers for the Council meeting, the recognised trade unions have asked that this report be presented to Council in June instead of July in order that the teaching assistants can be informed of the personal impact of the offer and balloted on acceptance of the same prior to the end of the summer term.
- 4 Equality Impact Assessments have been undertaken at every stage of this process, and an updated assessment, prepared with support from the Equalities Team, will be provided with the details of the final offer.

Contact: Jeff Garfoot Tel: 03000 261946

Appendix 1: Implications

Finance – the impact from the implementation of the revised offer will be limited to individual school budgets. Head teachers will be notified of the anticipated impact upon their budget if Council approve the offer to be made to the teaching assistants.

Staffing – this exercise has been necessary to mitigate an equal pay risk and update and harmonise teaching assistant roles across the County. There are no proposals within this exercise to reduce the number of teaching assistants employed.

Risk - The equal pay risks are as set out in the Council report of 16 May 2016. There have been no changes to the risks previously identified and the legal advice remains as previously reported.

Equality and Diversity / Public Sector Equality Duty - The updated equality impact assessment will be provided when the final offer is provided to Council.

Accommodation - None

Crime and Disorder - None

Human Rights – None

Procurement - None

Disability Issues - None

Consultation - The proposal has been subject to consultation with trade unions and teaching assistants. If Council approves the offer, it is likely that Unison will consult their members as to whether the proposal is acceptable.

Legal Implications – Acceptance of the offer by the relevant recognised trade unions will enable the variation to terms and conditions of employment of teaching assistants to be achieved by collective agreement and limit claims in respect of section 145B of the Trade Union Labour Relations (Consolidation) Act whereby an employee who is a member of a recognised trade union has the right not to have an offer made by the employer to prohibit terms and conditions being determined by collective agreement. It will also substantially reduce the Council's future exposure to risk of equal pay claims by non teaching assistant employees who currently are required to work the contracted hours they are paid for, barring their holiday entitlement.

In the event the offer is not accepted, the Council will remain exposed to an equal pay risk by from non teaching assistant employees. To date, in excess of 170 grievances have been received from employees aggrieved that they do not benefit from being paid for six weeks whilst not being required to work these weeks.

County Council

21 June 2017

Community Governance Review – Central Unparished areas of Durham



Report of Corporate Management Team Clare Pattinson, Interim Head of Legal and Democratic Services Councillor Simon Henig, Leader of the Council

Purpose of the Report

- 1 To update Council of the outcome of the consultation undertaken as part of the Community Governance Review (Review) of the central unparished areas of Durham and to make a draft recommendation in this regard.

Background

- 2 On 25 January 2017, the Council resolved to undertake a Review following receipt of a valid petition from Roberta Blackman-Woods MP requesting that the County Council formally consult with residents of the central unparished wards of Durham about the formation of a new town council.
- 3 The County Council subsequently undertook a consultative poll and proposed two options for the future community governance arrangements in the area:

Option 1

To implement changes to the current community governance arrangements. This would see the central unparished areas of Durham, as shown on the map in Appendix 2, become parished and have its own parish council.

Option 2

That the current community governance arrangements in the central unparished areas of Durham remain unchanged. This would mean that there would be no change to community governance arrangements in the area.

Consultative Poll

- 4 The terms of reference for the Review were published on 6 February 2017 and the consultative poll was undertaken in accordance with the agreed timetable.

- 5 The Council issued 11,749 ballot papers to those electors affected and 2,819 ballot papers were returned.
- 6 Of those 2,819 ballot papers returned, 1,856 selected option 1 (in favour of a creating a parish council) and 958 selected option 2 (no change to community governance arrangements). There were 5 spoilt ballot papers.

Statutory Consultees

- 7 Consultation letters were sent to St Nicholas Community Forum, Whinney Hill Community Group, Crossgate Community Partnership, Gilesgate Residents, Elvet Residents, Merryoaks Residents, Neville's Cross Residents, Sheraton Park Residents, Sidegate Residents' Association, County Durham Association of Local Councils, Durham Access for All, Durham Area Action Partnership, Durham Neighbourhood Planning Forum, and Roberta Blackman-Woods MP, and the local county councillors.
- 8 The local MP, Roberta Blackman Woods responded supporting the establishment of a parish council because it will give people an opportunity to engage more with local governance and to have a stronger voice on the issues that will affect them within the city centre. She also believes that the boundaries of the proposed parish council suggested by the County Council as part of the consultation, correctly identify the areas that would be best served by a new parish council and would represent a clearly identifiable area with a similar range of interests and issues that would be well served by more representation. She advised that many people she has spoken to both during and after the process of gathering signatures on the petition have told her that whilst the County Council does an excellent job of providing local services, a parish council will give them local accountability and allow them more of a say in the future direction of Durham City.
- 9 Whinney Hill Community Group ("the WHC Group") also responded with a number of comments suggesting that a Parish/Town Council, is not necessarily the best course of action. The representations have been summarised below. Comments which relate to the consultation process which has concluded and matters prescribed by legislation (for example the rules relating to the qualification of a councillor) over which the Council has no control are not included in the summary.
 - (a) The campaign to get the required numbers to support the establishment of a Parish/Town Council for the central unparished areas of Durham took some considerable time to obtain and would not seem to indicate that there is a burning desire by residents to establish a Parish/Town Council for Durham City.

- (b) A similar petition received in 2011, took well over twelve months to obtain the required number of signatures to give the petition legitimacy, and ultimately failed.
- (c) Durham City residents pay sufficient Council Tax at present. Why would Council Tax payers, wish to pay a further levy to support a Parish/Town Council which many of them do not support.
- (d) Considering the small number of residents within Durham South, the one Councillor proposed for this area should simply be allocated to Elvet & Gilesgate (in order to address the imbalance in Councillor numbers).
- (e) Apart from needing a reasonably large number of Council Tax paying residents to fund a Parish/Town Council what evidence is available to support the view that the residents of Elvet and Gilesgate actually want to come together (or vice-versa) to establish one Parish/Town Council to represent them all.
- (f) If it is deemed necessary to create an extra layer of 'suitable' representation, the WHC Group suggests that Elvet and Gilesgate and Neville's Cross have their own independent Parish/Town Council or a system such as a local neighbourhood forum which has regular access to DCC in order to promote concerns and matters of interest within their particular area. At present, the system in place represents too large an area for individual residents to be heard and greater consideration needs to be given to the day to day issues which actually matter to them.
- (g) If a Parish/Town Council is to be imposed upon residents who do not agree with its imposition, then the following should be considered as significant points of consideration:
 - (i) The number of councillors representing Neville's Cross and Elvet and Gilesgate needs to be reconsidered.
 - (ii) Parts of the proposed Parish Council area have significant numbers of HMO properties exempt from Council Tax and therefore exempt from paying the precept for the proposed Parish/Town Council. This can be seen as nothing but unfair to permanent residents and unless this is addressed it is impossible to see how a credible Parish/Town Council can or should even be considered.
- (h) In conclusion:
 - (i) Although there are only two options to be voted on, could DCC not look again at other forms of local representation which reflect the needs of permanent residents, and

which actually reflect the wishes and views of the residents who actually live in the central unparished areas of Durham 12 months of the year, look upon the City as their permanent home, and who actually do care about their City.

- (ii) The Durham Area Action Partnership (AAP) is meant to be a link between communities and DCC. Instead of a poorly supported parish council why not look at ways of making the AAP more relevant to local people and actually committing to issues which are important to them and impact on their everyday lives.

Other representations

- 10 Prior to the consultative poll, representations were received from the Durham City Neighbourhood Planning Forum which advised that they are in the process of developing a neighbourhood plan for the unparished areas of Durham City, the same area for which the petition was presented. One of the elements of the neighbourhood plan is to make arrangements for monitoring the implementation of its policies. The Forum is a temporary body that will cease to exist once the plan is made and in identifying a suitable body to carry out this monitoring function, they consider that the County Council might well play a part, as might local residents' associations and other interest groups. They believe that the most effective body would be a town/parish council, as in most areas where a town or parish council exists, it is the body that develops the neighbourhood plan.

The Law, Duties and Guidance

- 11 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply with various duties when undertaking a community governance review, including:
 - i. It must have regard to the need to secure that community governance within the area under review:
 - a. reflects the identities and interests of the community in that area
 - b. is effective and convenient.
 - ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:

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

- iii. The Council must take in to account any representations received in connection with the review.
- 12 Under Section 100 of the Act, the Council must also have regard to guidance issued by the Secretary of State. In March 2010 the Department for Communities and Local Government and the Local Government Boundary Commission for England, published guidance on Reviews.
- 13 The guidance refers to a desire to help people create cohesive and economically vibrant local communities and states that an important aspect of this is allowing local people a say in the way their neighbourhoods are managed. The guidance does stress that parish councils are an established and valued form of neighbourhood democracy and management in rural areas that increasingly have a role to play in urban areas and generally have an important role to play in the development of their communities. The need for community cohesion is also stressed along with the Government's aim for communities to be capable of fulfilling their own potential and overcoming their own difficulties. The value which is placed upon these councils is also highlighted in the fact that the guidance states that the Government expects to see the creation of parishes and that the abolition of parishes should not be undertaken unless clearly justified and with clear and sustained local support for such action.
- 14 The guidance acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.
- 15 The Council must also take into account other arrangements that have been made and could be made for the purposes of community engagement and they must consider the representations received in connection with the review.
- 16 Whilst the guidance is generally supportive of parish councils, it is not prescriptive and does not state that they should be routinely formed. Indeed in parts of the guidance it stresses that the statutory duty is to take account of any representations received and gives the view that where a council has conducted a review following receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wish the council to make. It also acknowledges that a recommendation to abolish or establish a parish council may negatively impact on community cohesion and that there is flexibility for councils 'not to feel forced' to recommend that the matters included in every petition must be implemented.

Constituting a New Parish

- 17 A hierarchy of topics have been considered as part of the Review, described in Association of Electoral Administrators literature as

dependent upon and related to the other. These topics are considered in detail at Appendix 3.

Consultation Analysis

- 18 11,749 ballot papers were issued and 2819 ballot papers were returned which equates to a 24% return. From those that responded 66% were in favour of the proposals, to establish a parish council, which equates to 16% of the electorate consulted in favour and 8% against.
- 19 The outcome of the consultative poll is that there is support for the formation of a new council in a limited/low return. From the relatively small number of responses received the most that can be assumed from those who did not respond is that they have no views either way.
- 20 The following table contains a summary of factors for and against the formation of a parish council in this Review:

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

	<p>arrangements for community engagement in the area”</p> <p>By the formation of the associations referred to above, the population has shown considerable aptitude to form its own associations to address local issues.</p>
	<p>The costs of a parish council at a time of austerity. The current economic climate is one of austerity and the Council may wish to consider carefully whether a further precept raising body should be created.</p>
<p>A majority of the ballot papers returned favour formation.</p>	<p>This was not a binding consultative poll. The limited return may justify caution in following a simple majority.</p>

Conclusion

- 21 It can be seen from the outcome of the consultative poll that the majority of ballot papers returned favour the parishing of the unparished area of central Durham and the establishment of a parish council. Although the consultative poll is not binding on the Authority, the poll undertaken was comprehensive in that all electors within the area were provided the opportunity to comment, and the vast majority were in favour from the limited return. Having considered the objections made it is considered that the proposed formation would be effective and convenient.
- 22 The Constitution Working Group on 5 June 2017 agreed to recommend to Council that the central unparished areas of Durham should become parished on the following terms:
- a. The newly formed parish would be known as “the City of Durham Parish Council”.
 - b. The area is split into 12 polling districts and due to the number of electorate and size of the area, the parish council would be divided into three wards:
 - i. Elvet and Gilesgate
 - ii. Neville’s Cross
 - iii. Durham South.
 - c. The registered number of electors for the area at the date of the consultative poll on 4 February 2017 was 11,749. In view of local knowledge and guidance regarding the size of local councils, 15 parish councillors would be appropriate, distributed as follows;

- i. Elvet and Gilesgate - 6 councillors;
 - ii. Neville's Cross - 8 councillors;
 - iii. Durham South - 1 councillor (as shown on the map in Appendix 4).
- d. Inaugural elections would take place in May 2018 and then in May 2021 and every four years thereafter to fall in line with the ordinary year of election of councillors for local elections (County, Town and Parish Council elections).
- e. The council would become a recognised legal entity in its own right on 1 April 2018.
- f. The County Council will set a precept to enable the parish council to function during its first year. As the sum required to fund the parish council for the first year is likely to be no more than £150,000 this precept be set. An example of the precept charge for a Council Tax Band D property would be £34.46 per household per year, based on the council tax base for 2016/17. This precept charge per household would be recalculated in line with the council tax base for 2018/19 once established.

23 The Charter Trustees will remain in situ because not all of the unparished area within the former Durham City area will be parished under the proposal. The Charter Trust would only be dissolved if the whole of the unparished area were parished. Therefore in light of the recommendation to be presented to Council, the Charter Trust will continue, which means that the ceremonial Mayor will remain with the Charter Trust and continue to be financed through a precept on the households in the former Durham City Council area.

24 The new parish council would be established under a Reorganisation of Community Governance Order. The Order will set out:

- the name of the new parish Council
- the day of election of councillors
- the number of parish councillors for the parish
- warding arrangements
- information about the first annual meeting of the parish Council
- details of any transfer of property, rights and liabilities from the County Council

Once established the Parish Council will set its precept for year 2 onwards and will be entitled to exercise the statutory functions accorded to parish and town councils, such as providing allotments, spending money on crime prevention, acquiring and disposing of land, provide public conveniences, make bye-laws in relation to certain matters etc.

Next Steps

25 In accordance with the Review timetable, a draft recommendation will be published on the Council's website, and in the press. Comments

could be made until 31 July 2017. A further report would then be considered by Council on 20 September 2017.

Recommendation

- 26 That Council agree to a draft recommendation being published for the central unparished areas of Durham to become parished and have their own parish council in the terms as set out in paragraph 22.

Background Paper(s)

CLG and Local Government Boundary Commission for England Guidance on Community Governance Reviews.
Report to Council dated 25 January 2017

Contact: Ros Layfield, Committee, Member & Civic Services Manager
03000 269708
Clare Burrows, Governance Solicitor 03000 260 548

Appendix 1: Implications

Finance – The cost of undertaking the consultative poll was approximately £8,000. Further resources will be required to establish the new parish Council.

Staffing – Additional staffing resources will be required to establish the new parish council.

Risk – None specific within this report

Equality and Diversity – An equality impact assessment has been undertaken and will be updated during each stage of consultation

Accommodation – None

Crime and Disorder – None specific within this report

Human Rights – None specific within this report

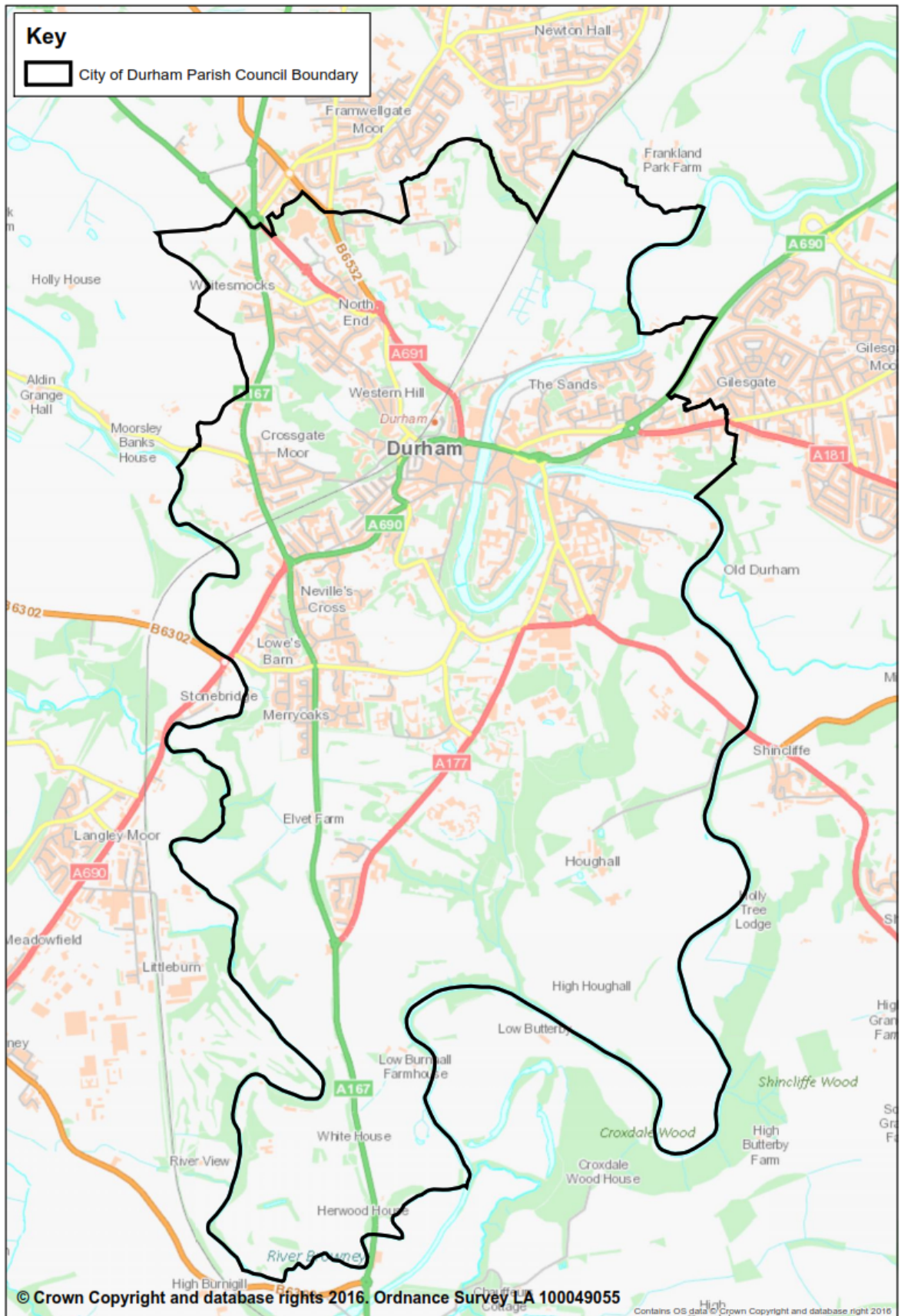
Consultation – See report

Procurement – None specific within this report

Disability Discrimination Act – None specific within this report

Legal Implications – The Review will be undertaken in line with current legislation and Regulations.

Appendix 2: Map of the area under consideration



Appendix 3: Constituting a New Parish - Areas to be Considered

Parish Areas

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

Electoral Arrangements

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

Consequential Matters

- recommendations to the Local Government Boundary Commission for England for changes to the unitary/county/borough/district divisions or wards;
- dealing with assets – fixed and otherwise;
- setting a precept for the new council;
- first elections and electoral cycles;
- setting the commencement dates.

Parish – new and existing parishes

A new parish is:-

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

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

Parish names and alternative style

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

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

Electoral arrangements

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

Duties with regard to parishes in relation to the number of electors are prescribed in section 94 of Act and are set out in the table overleaf:-

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

Councillor Numbers

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

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

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

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

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

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

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

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

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

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

Warding

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

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

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

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

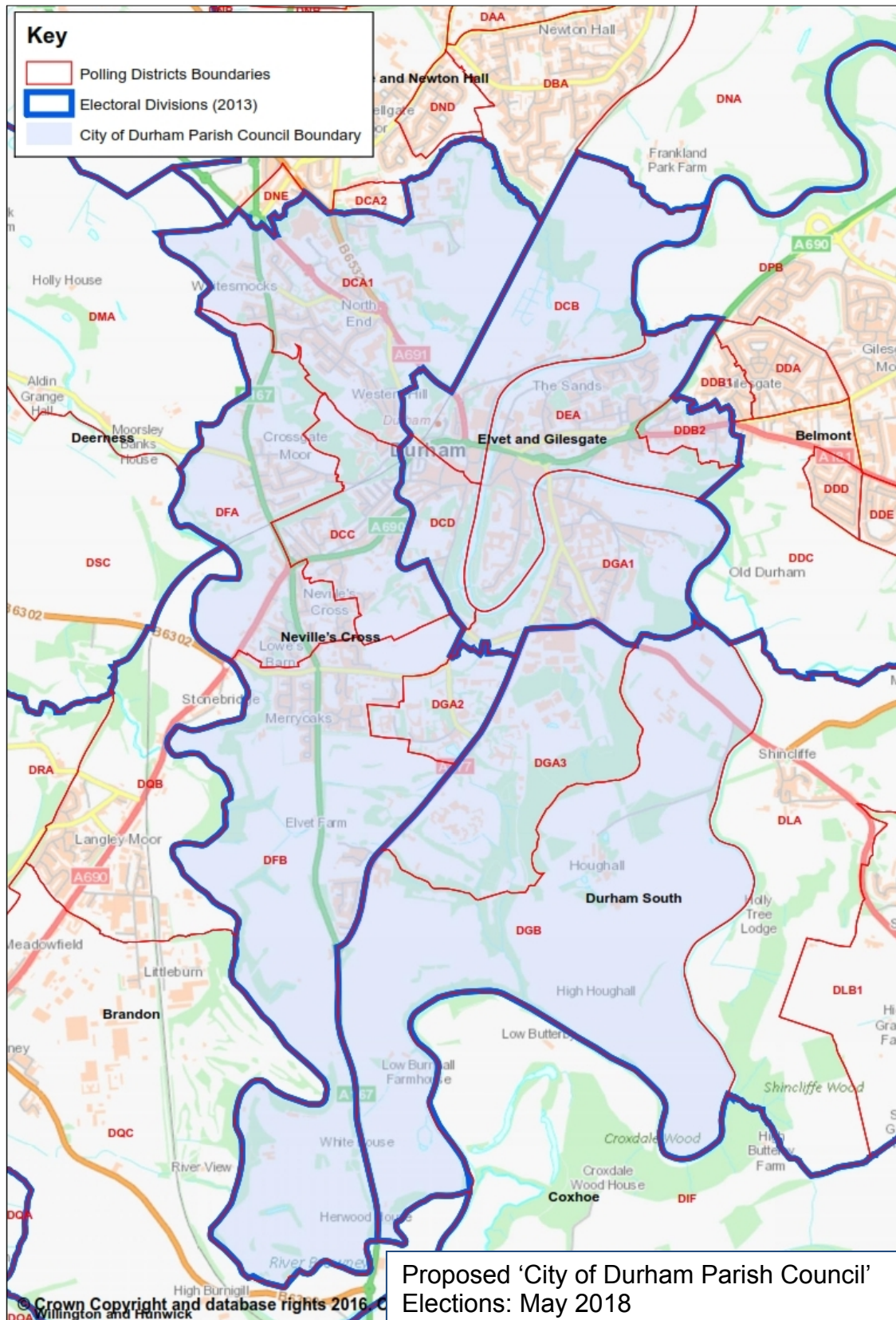
The Government also advises that another relevant consideration in the warding of parishes is the layout of the principal council electoral areas. No unwarded parish should be divided by the district or county division boundary and no parish should be split by such a boundary.

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

Precept

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

Appendix 4: Map of the proposed warding arrangements



Proposed 'City of Durham Parish Council'
 Elections: May 2018
 Council size: 15 Councillors, 3 Wards (Elvet and
 Gilesgate - 6 councillors; Neville's Cross - 8 councillors
 and Durham South - 1 councillor).
 Nominal precept for first year of operation: £150,000.
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