

DURHAM COUNTY COUNCIL

At an **Ordinary Meeting** of the County Council held in the **Council Chamber - County Hall, Durham** on **Wednesday 19 June 2019** at **10.00 a.m.**

Present:

Councillor K Corrigan in the Chair.

Councillors E Adam, J Allen, J Atkinson, P Atkinson, B Avery, A Bainbridge, B Bainbridge, A Bell, D Bell, E Bell, J Bell, R Bell, H Bennett, J Blakey, G Bleasdale, D Boyes, D Brown, J Brown, L Brown, C Carr, J Carr, J Charlton, J Clare, J Clark, M Clarke, J Considine, B Coult, R Crute, M Davinson, S Dunn, D Freeman, J Grant, O Gunn, D Hall, C Hampson, K Hawley, T Henderson, S Henig, D Hicks, A Hopgood, K Hopper, L Hovvels, S Hugill, E Huntington, G Huntington, I Jewell, O Johnson (Vice-Chair), P Jopling, B Kellett, A Laing, L Maddison, J Maitland, J Makepeace, R Manchester, C Marshall, L Marshall, C Martin, E Mavin, S McDonnell, I McLean, O Milburn, S Morrison, A Napier, J Nicholson, P Oliver, A Patterson, C Potts, L Pounder, S Quinn, A Reed, J Robinson, J Rowlandson, E Scott, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, H Smith, T Smith, J Stephenson, B Stephens, D Stoker, A Surtees, P Taylor, O Temple, K Thompson, F Tinsley, T Tucker, J Turnbull, A Watson, M Wilkes, A Willis, C Wilson, S Wilson, D Wood and R Yorke

Apologies for absence were received from Councillors A Batey, J Chaplow, P Crathorne, A Gardner, Geldard, J Higgins, S Iveson, C Kay, J Lethbridge, K Liddell, H Liddle, M McKeon, G Richardson, S Robinson, A Savory, M Wilson and S Zair

1 Minutes

The minutes of the meeting held on 22 May 2019 were confirmed by the Council as a correct record and signed by the Chair.

2 Declarations of interest

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

3 Chair's Announcements

The Chair informed the Council that she had received a letter from the Mayor of Christchurch, New Zealand in response to a message of support sent by the previous Chair following the terror attacks in March. In the letter Mayor of Christchurch expressed his gratitude to the Council for their support.

The Chair congratulated those people throughout County Durham who had been recognised in the recent Queen's Birthday Honours, including the recently retired Chief Constable of Durham Constabulary, Mike Barton.

The Chair informed the Council that Councillor Peter Brookes would soon be commencing his charity cycle ride. The cycle ride would cover 500 miles over four days, through England, Scotland, Northern Ireland, Irish Republic and Wales to raise money for Age UK County Durham, which was the Chair's good cause for her year in office. The Chair expressed her delight that Cllr Brookes was kickstarting her fundraising appeal with an inspirational challenge and wished Councillor Brookes and his team the very best of luck.

The Chair reminded the Council that a Member briefing on Corporate Parenting would be given immediately following the Council meeting.

Finally, the Chair informed the Council that the next phase consultation for Durham History Centre would be on display in the Durham Room following the meeting. The consultation would detail the proposed designs for the new Durham History Centre and Members were asked to contribute to the consultation.

4 Leader's Report

The Council noted a report of the Leader of the Council as follows:

- A six-week consultation on the design for the new Durham History Centre had commenced. Views were being sought on the proposed design and layout of the building, themes for exhibitions and digital access to collections. Drop-in sessions would be held at Bishop Auckland Town Hall, Durham Register Office and Clayport Library. The item would be covered at all meetings of Area Action Partnerships throughout June and July.
- A second stage of consultation would soon be underway on a new vision of the County Durham Partnership which would set out the ambitions for the County into the next decade and beyond. The last phase of consultation would build on comments made in the previous consultation.

- The first presentation from one of the Councils 14 Area Action Partnerships (AAPs) would be provided later as part of the council agenda and replaced the questions from AAP's. It was hoped that the series of presentations would provide a full picture of the workings of each AAP and an insight into the work often not appreciated outside of each local area. It would also help to spread best practice across County Durham. The system of public questions remained unchanged and would follow the AAP presentation.
- The County had recently experienced a spell of unseasonable rain. Flooding had also affected certain parts of the County. Councillor Henig thanked all staff involved for their hard work during the challenging conditions.
- The weather had forced the cancellation of Durham Regatta and the opening day of the first Seaham Food Festival. The second day of the food festival went ahead amidst glorious sunshine and attracted 15,000 visitors to the seafront. Very positive feedback had been received from food producers and visitors. Local traders had also benefitted from the festival which provided an economic boost. It was hoped that the event would encourage visitors to return to Seaham and provide ongoing benefits for the area and help with the continued regeneration of the town. Councillor Henig thanked everyone involved in the participation and organisation of the event. The Durham Women's Gala at Wharton Park went ahead as planned and the Leader congratulated all those involved in the event.
- It was hoped that better weather would grace the region with three fixtures being played at Chester-le-Street with County Durham welcoming New Zealand, Sri Lanka, South Africa and the West Indies to the County. A supporting fan zone activity would be held in the Market Place, Durham City from 28-30th June as well as 'Chesterfest' which was being held at Riverside Park, Chester-le-Street this coming weekend. The event had been organised by the Durham Cricket Foundation supported by Chester-le-Street and District AAP and the local community in Chester-le-Street.
- An evening of live music with German food and drink had been held the previous week to celebrate 50 years of friendship between County Durham and its twin town of Tübingen. This would also be celebrated in Tübingen at the beginning of July.
- Other up-and-coming events included the Durham Miners Gala on 13 July, the Annual Brass Festival from 12-21 July.

- A new running festival would take place in Durham City at the end of the July incorporating the annual Durham City run and would include a new family activity headed up by three-time London Marathon Winner Paula Radcliffe. An exhibition to celebrate the work of Norman Cornish would open at the Gala Theatre at the end of July as part of centenary celebrations.
- Visitors and photographers could once again make the most of the historic backdrop of Durham City, as the Cathedral Tower had been unwrapped and reopened to visitors. Kynren would open for another spectacular season at the end of the month at Auckland Castle. Durham Book Festival, the 10th Anniversary of Lumiere and the completion of the Auckland Project multimillion-pound development of Auckland Castle.
- The Council had recently celebrated carers week with special events held to recognise the valuable role that carers played. Durham County Carers support worked on two projects and ran short films with young carers which premiered during the week at Bishop Auckland Town Hall and highlighted their experiences.
- The Council had continued to lobby the government to reconsider its proposed changes on the allocation of public health funding, which if implemented, would result in a reduction of £18m to County Durham, the largest reduction in the country. The Leader had written an article for the Journal newspaper following a debate on the issue in the House of Commons raised by Kevan Jones MP. Tyne Tees had also covered the debate along with local interviews. The Council would continue to raise the issue at every opportunity.
- 1000 applications had been received for 66 apprenticeships across the Council in a range of occupations. The apprentices would start in September. The recruitment drive had coincided with the launch of an apprenticeship strategy which supported the development of a skills base in the Council and across the County.
- Dedicated volunteers were recognised at a range of activities and events for their hard work as part of volunteer's week at the beginning of June.
- The Employment Training and Education success of 21 young people from across the County had been recognised at the 'Durham Works' achievement awards. Six prizes were handed out to young people who had received help from the Durham works youth employment programme as well as the partners and employers who had supported them over the past 12 months

- The refurbished Peterlee Leisure Centre opened in May which saw the refurbishment of changing rooms, a new reception space and creation of a brand new library facility.
- Local residents were helping to shape the future of Horden in the latest consultation on the Horden masterplan. The plan outlined a number of options for housing and the environment in the area and was based on feedback from residents given at an earlier consultation held in 2018. The first consultation exercise attracted over 300 people from the local community. The Leader of the Council thanked everyone for their input. The Council had been proactively working on solutions for housing related issues in the area for a number of years and had implemented a number of successful schemes, including an accreditation scheme for private landlords, the provision of grants and loans to help fund the renovation of private properties. A multi-agency clean-up operation had focussed on environmental issues. The Council were also working with partners on a number of issues which would see potential commercial investment, housing renewal and the development of community projects. Work had started on a new railway station which would link the area to the local and national railway network and support wider regeneration, a long-held ambition in the east of the County.
- In the west of the County, Highways England had commenced consultation to dual the A66. The Council were supporting the proposals given that 18 miles of the 50 mile route passed through County Durham. The proposals also included improvements to the road junction A67, Bowes.
- Teams were currently sprucing up flower beds and cutting grass. The flower bed at Gilesgate roundabout was unveiled earlier in the month and celebrated 150 years of mining heritage. Entries were open for the 2019 Environment Awards. A display of the history of the awards was located in the Durham Room.
- The Council had been successful in securing funding to help rough sleepers access accommodation. The government money was being used to provide an assessment centre providing rough sleepers with somewhere safe to stay until suitable housing was identified. This was to be split between two hubs in Durham and Gateshead.
- The Council had been shortlisted as a finalist in the Health and Integration category of the 2019 MJ Achievement Awards for its approach to young offenders, or young people at risk of offending. The Council was also commended in the awards for its approach to digital

and online services and achieving better outcomes by the Area Action Partnerships.

- Finally, the Leader of the Council informed the Council of some Senior Management changes concerning the appointment of a new Corporate Director of Children and Young People's Services and the appointment of a Head of Corporate Property and Land. The Council were also in the process of recruiting a Deputy Monitoring Officer.

Councillor L Maddison referred to the apprenticeship programme where 1000 people had applied for positions, with only a small number able to take up positions and asked if the Council were directing the unsuccessful applications to other services.

The Leader informed the Council that it was promising that so many people had applied. The Council had tried to increase the number of apprenticeships within the programme each year and hoped that opportunities would be available elsewhere in the public and private sector.

The Chief Executive explained that the number of applications reflected how well thought the Council's apprenticeship programme was given the amount of applications. The Council had already held a meeting to discuss where they could assist with employment along with their partners. It was very pleasing to note that so many people were finding employment through the programme, not only to train young people but to get them into the workforce.

Councillor K Thompson thanked the Leader of the Council for the very positive report. Councillor Thompson expressed concern that there had been no mention of Spennymoor Town Centre in the Leaders report, which was falling apart, particularly Festival Walk. When was something going to happen with Festival Walk.

Councillor C Marshall informed Councillor Thompson that he was working very closely with the local members and shared the frustration of Councillor Thompson regarding the Festival Walk site. The Council were working very hard to get the development over the line. Other developments in the area such as improved housing, were due to come online over the following months. Festival Walk was a complex site with many legal issues outside of the Council's control, however, Councillor Marshall was hopeful of a conclusion within the next month or so.

5 Presentation by Chester-le-Street Area Action Partnership

The Council received a presentation from the AAP Coordinator and the Chair of Chester-le-Street and District Area Action Partnership (for presentation see file of Minutes).

The Council were informed that the work of the AAP was based around three themed task groups:

- 'Thriving' which concentrated on the town centre, employment and training;
- 'Supporting' – which looked at health, young people, families and older people; and
- 'Taking Pride' which concentrated on areas such as the environment and community safety.

Priorities were linked together to ensure that crosscutting themes could be addressed. The AAP had a varied work programme and had always been prepared to pilot an idea.

The Council then noted a summary of projects that the AAP had been involved in, which included:

- the purchase of two electronic bikes for the local Neighbourhood Policing Team which had been conceived as a result of concerns expressed around having a greater visible police presence across the various communities;
- a Man v Fat league across County Durham aimed at weight loss in men by using football as a tool and placing the men who signed up into a team to ensure peer support with their weight loss goals;
- funding of a business association to employ a retail consultant to deliver a social media campaign to promote independent businesses and to both 'talk up' Chester-le-Street and celebrate the variety of independent businesses of the town. The project started in March and eleven businesses had been supported in developing a stronger social media presence and a marketing campaign;
- joint work with VCD and Durham Cricket on business engagement ensuring that local businesses were fully briefed about the cricket world cup, ensuring that they could take advantage of the 40,000 visitors; and
- funding of 'ChesterFest' - a community festival that was being delivered by Durham County Cricket Club Foundation.

The Council were informed that AAPs could also link well with strategic ambitions for the Council. An example being the AAPs role working with technical services on a £6m flood prevention scheme. The AAP had been a key stakeholder in the development of the project and had been asked to lead the work on a public art feature as part of the scheme. The AAP board

contributed £10,000 towards the project. The Thriving Chester-le-Street task group had worked on developing a brief for a potential artist and as an AAP would be looking to consult on ideas to ensure local buy-in to the proposed concept.

In summary, the projects highlighted were a snap shot of what projects the AAP were involved in.

The Chair thanked the AAP Coordinator and Chair of the AAP for the presentation and informed the Council that there would be an opportunity to ask any related questions to AAP staff following the meeting.

6 Questions from the Public

Two public questions had been received from members of the public. The first question related to the Council's statutory duties regarding the removal of obstructions to public rights of way and how the Council monitored progression of Definitive Map Modification Order applications.

The second question related to the steps the council were taking to ensure that a vital community link could be reopened to vehicle traffic having lived for a year with significant disruption.

Both questioners attended the meeting and asked their questions in person. The relevant Cabinet Portfolio Holders provided a response to each question.

The Chair thanked the members of the public for submitting their questions and for attending the meeting.

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 considered by Cabinet at meetings held on 3 April and 15 May 2019 (for copy see file of Minutes).

9 County Durham Plan Submission

The Council considered a report of the Corporate Director of Regeneration and Local Services which advised the Council on the representations received following the final statutory consultation on the Pre-Submission Draft of the County Durham Plan and sought the Council's approval of the

Pre-Submission Draft of the County Durham Plan for Submission (for copy see file of Minutes).

The Pre-Submission Draft of the County Durham Plan was the final stage in the Plan's development. It had been informed by extensive formal consultation with residents, businesses, the development industry, key stakeholders and neighbouring authorities at all stages. A total of 2,877 comments from 1,003 different respondents had been received.

The Plan would be submitted to the Ministry for Housing, Communities and Local Government by the end of June 2019 for independent examination. An independent Inspector would be appointed soon after with the timescales to be determined by the Inspector although it was anticipated that the Examination in Public (EIP) hearings would be held in the autumn.

In **Moving** the recommendation detailed in the report Councillor C Marshall, the Cabinet Portfolio Holder for Economic Regeneration thanked everyone involved in the production of the plan and attended hundreds of events and meetings across the County over several years. Councillor Marshall also thanked those Members who engaged in the process, the thousands of residents, businesses, Town and Parish Councils, voluntary sector groups and the many others who had responded to the consultations and engaged with the Council during the journey. It had been a very long and protracted process to ensure that a robust evidence based plan was presented before full Council.

The County Durham plan sought to build on the Councils proven track record of attracting investment included a pipeline of investments and projects estimated at over £3 billion pounds and would see thousands of jobs created. The plan would deliver for the whole of County Durham and was about much more than the economy. The plan would deliver housing that people needed, where it was needed and would help to address the causes of climate change and adapt to its affect. It would set out restrictions on takeaways in town centres and areas close to schools and identified infrastructure to support new development and relieve congestion, whilst improving air quality. The plan was unique in terms of tackling rural issues with an entire chapter dedicated to supporting a prosperous economy and new development in rural areas. The plan would also protect and enhance the special natural and historic environment. The Portfolio Holder then gave the Council more detailed information regarding the consultation exercise and the differing types of consultation used.

Councillor K Shaw, **seconding** the recommendation explained to the Council that the County Durham Plan represented a great opportunity for the right type and mix of housing needed to meet current and future needs set out in policies 15 and 19 of the plan. Policies were also in place to ensure new

build housing were of the correct size, type and design. The Council needed to ensure that housing development paid its way and the correct infrastructure was in place through education and health contributions for the Council's communities.

Councillor J Shuttleworth asked all Councillors to look at their individual communities and felt that certain communities were not helped in any way by the plan. Councillor Shuttleworth also felt that the plan would strangulate Durham City.

Prior to sharing his views with the Council, Councillor O Temple explained that his views were in no way directed at anyone who had been involved in the production of the plan and were solely directed to the Cabinet who commissioned, approved and promoted the plan. Councillor Temple explained that he lived in the West of the County. The A68 was a major north/south trunk road. There was no reference of the A68 in the plan. It was emblematic of the fact that the plan was a plan for the former City of Durham and not for the County as a whole. It was a very Durham centric plan, based on two big flaws. An economic flaw in thinking that Durham City was a magnet for jobs and employment. Although, there were a lot of employment and jobs within Durham City, much of it was public sector and had been fuelled by the centralisation of health, local government and education. Councillor Temple felt that there was more economic magnetism in areas such as Newton Aycliffe and Seaham. Councillor Temple felt that the whole County was being put at the mercy on a gamble of the Aykley Heads development site. The plan directed most resources of the Council to the areas of greatest prosperity and least to the areas of least prosperity. This was all the more surprising given that many comments were often expressed in the Chamber regarding governmental direction to more prosperous areas. Councillor Temple accepted that the Council needed a plan but could not support the one presented.

Councillor A Hopgood welcomed some of the comments made by Councillor Shaw and the issues highlighted from the changes made since the first draft. However, there many issues remained that were criticised at the time and still remained in the plan. Councillor Hopgood lived in the only Division affected directly by both proposed relief roads and would see the loss of a significant piece of greenbelt which she felt was completely unacceptable. Councillor Hopgood felt that plan looked forward with no consideration given to those living or residing in County Durham. Councillor Hopgood felt that the plan was misleading in part and referred to a comment on page 74 of the which related to employment land. Councillor Hopgood could not understand why it had been decided to separate Durham City from Central Durham. The remainder of the area being classed as South Durham covering Newton Aycliffe, Bishop Auckland and Shildon. Mid Durham covering Tow Law,

Spennymoor and Ferryhill. Councillor Hopgood felt that the impact on residents had not changed significantly enough for her to support the plan.

The Corporate Director of Regeneration and Local Services reaffirmed that the plan was a plan for the whole county and the policies contained within the plan would be used to review development across the whole of County. The policies and allocations were set out in such a way to reflect development across the County. Examples were provided in relation to sites in the East and at Newton Aycliffe. Durham City had key planning issues relating to relief roads and greenbelt and these would be discussed at the examination in public. The propensity for development was smaller in Durham City than the rest of the County. There was only 10 hectares of development in Durham City.

Councillor M Wilkes praised the officers involved in the production of the plan and especially those who had 'stood up for the environment'. Councillor Wilkes felt there were improvements on the previous plan, however, the full details were insufficient in terms of being able to confirm that the benefits of the plan would outweigh the loss of the greenbelt. The impact of the Northern Relief Road on the natural environment was too great to be able to support and was unacceptable. Alternative routes and modern ways of thinking had not been explored. Councillor Wilkes also felt that the Council would not achieve the reductions of CO2 emissions required to meet the current climate emergency if the plan was brought to fruition. Councillor Wilkes explained that he supported the 2030 target to be carbon neutral in the County but simply could not agree to a plan that failed to address the climate emergency faced. The impact of development on the Aykley Heads area and the potential to create a congestion and pollution bottleneck for his residents and those travelling from the west of the City had failed to be addressed.

Councillor R Bell commented that he could not support the plan as presented but acknowledged that it contained a lot of good work. Engagement had been very good with the public, however, comments that people made tended not to find their way back into the plan or discounted without proper explanation. Teesdale AAP had made lots of comments but these had not been addressed. Councillor Bell gave an example referring to the Barnard Castle to Bishop Auckland railway line being linked to the heritage action zone work in Bishop Auckland.

Councillor R Bell felt that the plan was overly centred on Durham City for housing and employment and more emphasis should be concentrated on spreading employment sites across the County. The A66 and all east west links were neglected which he felt was a big omission from the plan and he felt that the plan was heading in the wrong direction in terms of the climate change agenda.

Councillor Tinsley referred to the comments made by Councillor Shuttleworth and explained that by not having a plan in place was letting down communities. Planning Committees were making decisions defined on national planning policy which was focussed on London and had very little to do with County Durham. In terms of comments regarding the plan being Durham centric, Councillor Tinsley felt that the plan had the potential to bring jobs and enable better access for people to jobs. Councillor Tinsley expressed his support for the document.

Councillor J Clare explained that the County Durham Plan would set the planning framework about land use for the next 15 years. The county was bedevilled by the lack of an east/west transport infrastructure and if the east/west links were not improved the Council betrayed the rural communities in the west of the County.

In closing the debate, Councillor Marshall took the opportunity to reiterate some of the key points made in the report and the policies contained therein and refuted some of the comments made during the debate.

Upon a vote being taken it was

Resolved

That having considered the representations received during the final statutory consultation on the Pre-Submission draft, the Council:

(a) authorise formal submission of the County Durham Plan at Appendix 2 and associated submission documentation to the Secretary of State pursuant to Section 20 of the Planning and Compulsory Purchase Act and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

(b) that the Corporate Director of Regeneration and Local Services be authorised, in consultation with the Portfolio Holder for Economic Regeneration to:

(i) approve the submission of the documents required to be submitted alongside the Plan to the Secretary of State as required by Section 20 of the Planning and Compulsory Purchase Act and Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 for consideration at public examination;

(ii) agree statements of common ground with neighbouring authorities and other interested parties in order to demonstrate effective and on-going joint working;

(iii) continue discussions with interested parties and suggest to the Inspector any edits and consequential changes necessary following Council approval up to and during the Examination;

(c) authorise the Corporate Director of Regeneration and Local Services to ask the Inspector appointed to hold the Examination in Public to recommend modifications to the County Durham Plan Submission Document under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 necessary to satisfy the requirements of Section 20(5A) of the Act and sound;

(d) agree the amendments identified in the 'Schedule of Minor (Additional) Modifications' to the Plan and minor changes to the existing evidence base at Appendix 3; and

(e) agree the Statement of Consultation at Appendix 4 of the report.

10 Independent Remuneration Panel - Appointments to Panel

The Council considered a report of the Corporate Director of Resources regarding appointments to the Independent Remuneration Panel (for copy see file of Minutes).

The Corporate Director of Resources informed the Council that in September 2014, the council agreed arrangements to refresh the independent remuneration panel, and a new panel of seven was established for a term expiring on 1 March 2020. The Panel had operated well with its seven members, however, there were now three vacancies, and the two longest serving panel members had suggested a refresh of the panel. Although the panel could operate with less than seven members, it was proposed to refresh the panel arrangements now in order to fill the three vacancies prior to the term of office which expired in March 2020.

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

Resolved

- a) That a new panel of up to seven members be established, with five-year terms of office;
- b) That delegated authority be given to the Corporate Director of Resources and Democratic Services Officer, to make appointments to establish a panel of seven members, offering appointments to the two existing members appointed in 2015, if they are willing to continue and then inform group leaders of the outcome;

- c) undertake a recruitment exercise to seek new panel members through advertisements within the local media and make arrangements to fill any vacancies that may arise within the term of office of the panel; and
- d) That the Council record its thanks to the members of the current panel for their role in reviewing the Members' Allowance Scheme since 2014.

11 Constitutions of the Joint Committees of Mountsett Crematorium and Durham Crematorium

The Council considered a report of the Head of Legal and Democratic Services which sought approval to update the Constitutions of the Durham Crematorium Joint Committee and Mountsett Crematorium Joint Committee to allow for the provision of substitute members (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that the Council's Constitution provided for the joint arrangements of both Joint Committees which each had their own terms of reference and constitution documents. Both constitutions had been updated and approved by the Council in 2013.

The proposal to provide for substitute members had arisen due to a recent meeting of the Central Durham Crematorium Joint Committee being cancelled because it was inquorate.

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

Resolved

That the Constitutions of the Durham Crematorium Joint Committee and Mountsett Crematorium Joint Committee be amended.

12 Motions on Notice

No motions on notice had been submitted.

13 Questions from Members

In accordance with the Council Procedure Rules, the following question was asked by Councillor A Watson.

Why does this Council not have a policy on testing for drug and alcohol misuse? By having you are showing your workforce that you want to create a safe workplace. It is a well-known fact that recreational drug misuse is on the increase which can lead to addiction. Whilst it's commendable that Durham County Council has a policy on drug and alcohol dependency which provides

support for employees who have drug or alcohol problems, it has to be appreciated that drug or alcohol misuse breaches legislation such as:

- Health and Safety at Work Act 1974;
- The Management of Health and Safety at Work Regulations 1999;
- The Transport and Works Act 1992;
- The Road Traffic Act 1988;
- The Misuse of Drugs Act 1971

Testing is evidence that you have attempted to meet your obligations. Testing can detect evidence of misuse in prospective employees at the pre-employment stage. Different testing methods can show a candidate's misuse, from very recent use to long term. Encouraging staff not to misuse is the ultimate goal of a good Drugs and Alcohol Programme with the possibility of being tested-whether prior to joining a company, or at any point during work-can be a powerful deterrent to using Drugs or Alcohol at times that could affect work performance.

Stats indicate that Durham in the North East has the highest number of people testing positive for use of Illicit Drugs. Misuse of Drugs is extremely serious, can be the cause of serious accidents, suicide, violence or even fatalities. Testing for Drug or Alcohol misuse is a policy used in some parts of the private sector, when really the public sector should be leading the way.

Prevention is always better than cure and Durham County Council should lead the way and seek agreement from the workforce which should include Councillors, to adopt a policy for random testing for Drug and Alcohol misuse.

Councillor A Patterson, Cabinet Portfolio Holder for Corporate Services and Rural Issues thanked Councillor Watson for his question.

Firstly, she reassured Councillor Watson that the Council took all of its legal and statutory responsibilities very seriously, including the issues he had raised in his question.

The Council worked in partnership with the recognised trade unions and Council staff to balance the requirements of legislation, workers rights and the practicalities of managing a complex and diverse workforce.

Councillor Patterson assured Councillor Watson that the Council did have a robust policy on drugs, substance and alcohol misuse, which clearly stated under section 2.6 that the Council would not require its employees to be screened or tested for alcohol or other drug use as a matter of course. This was a policy agreed by the Council.

There was absolutely no legislation that required employers to undertake drug and alcohol testing of their staff. The council could not take a blanket “big brother” approach to testing without good reason, could not single out individuals, nor could it legally justify testing for illegal use of substances in workers’ private lives. For practical and legal reasons the council would need all employees to consent to screening and legally, the council could not force staff to take a test.

Testing in any organisation needed to be proportionate to the risk, and very few employers would be justified in testing to detect illegal use, rather than testing on grounds of safety.

Screening in isolation did not solve problems caused by drug and alcohol misuse. A recent TUC article “Drug Testing in the workplace” highlighted that drug testing did not tell an employer what they wanted to know. It would not tell the council whether or not someone is, or was, under the influence of drugs while at work. At best it would indicate that the person had likely to have consumed a particular drug in the recent past. Testing showed up over the counter and prescription drugs because the metabolites of the drugs detected were the same, or similar, which meant that a person could be given a positive result simply because they had taken a flu remedy. People could also test positive for opiates such as heroin and codeine simply because of consumption of poppy seeds in cakes or bread which could give a similar reading.

Councillor Patterson also referred to recent research carried out by the Chartered Institute of Personnel and Development which concluded that organisations that sought to monitor their employees excessively were unlikely to create a work environment that encouraged trust, loyalty and commitment.

The report “Pressure at Work and the Psychological Contract”, showed that employees who were closely monitored tended to have more negative attitudes towards work and were more likely to suffer from stress. Councillor Patterson was happy to provide Councillor Watson with a link to the report if he wished to read it. Given the complexities set out, a policy approach was taken to help and support council employees via the Drugs, Substance and Alcohol Misuse Policy. The health, wellbeing and safety of all staff was paramount and the Council would continue to review and consider the merits and complexities around screening through the appropriate channels and in proper consultation with staff and recognised trade unions at the appropriate time.

The Council was currently working towards the Gold Award for the Better Health at Work Award. This included drug and alcohol awareness sessions

with staff to enable them to have a better understanding of the risks related to both drugs and alcohol.

Finally, Councillor Patterson reassured Cllr Watson that the Council were aware of their responsibilities, took them very seriously indeed and would continue to place staff health and safety at the forefront of the organisation.