

DURHAM COUNTY COUNCIL

At an Extraordinary Meeting of the County Council held remotely via Microsoft Teams on **Wednesday 16 December 2020 at 10.00 am**

Present:

Councillor K Corrigan (Chair)

Councillors E Adam, J Atkinson, P Atkinson, A Bainbridge, B Bainbridge, A Batey, A Bell, D Bell, E Bell, J Bell, R Bell, J Blakey, L Boyd, D Boyes, D Brown, J Brown, J Chaplow, J Clare, J Clark, M Clarke, J Considine, B Coult, P Crathorne, R Crute, M Davinson, S Dunn, D Freeman, A Gardner, O Gunn, D Hall, C Hampson, T Henderson, S Henig, D Hicks, J Higgins, A Hopgood, K Hopper, L Hovvels, S Hugill, E Huntington, G Huntington, I Jewell, O Johnson (Vice-Chair), B Kellett, L Kennedy, A Laing, J Lethbridge, J Makepeace, R Manchester, C Marshall, L Marshall, C Martin, L Mavin, M McKeon, I McLean, O Milburn, S Morrison, A Napier, J Nicholson, R Ormerod, A Patterson, C Potts, S Quinn, A Reed, 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, J Stephenson, B Stephens, A Surtees, P Taylor, O Temple, K Thompson, F Tinsley, J Turnbull, A Watson, M Wilkes, C Wilson, M Wilson, D Wood and R Yorke

Apologies for absence were received from Councillors H Bennett, G Bleasdale, P Brookes, L Brown, C Carr, J Charlton, I Cochrane, I Geldard, J Grant, S Iveson, K Liddell, H Liddle, J Maitland, E Mavin, S McDonnell, P Oliver, D Stoker, A Willis and S Zair

Prior to the commencement of the meeting the Chair reported with regret the passing of former Durham County Councillor Ken Holroyd. Ken represented the Belmont Division from 2005 to 2013. Members gave a moments reflection out of respect to Ken.

1 **Chairs' Announcements**

The Chair informed Council that the meeting had a lengthy agenda and sought agreement from to waive standing orders to allow for the extension of the meeting should it go beyond 2 and a half hours, and if time allowed for motions goes beyond 30 minutes. **Seconded** by Councillor O Johnson.

Resolved:

That standing orders be waived to allow for the extension of the meeting should it go beyond 2 and a half hours, and if time allowed for motions goes beyond 30 minutes

2 Declarations of Interest

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

3 Mid-Year Review Report on Treasury Management for the period to 30 September 2020

The Council considered a report of the Corporate Director of Resources which provided information on the treasury management mid-year position for 2020/21 (for copy see file of Minutes).

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

Resolved:

That

- (a) progress with the Treasury Management Strategy 2020/21 be noted;
- (b) the overall counterparty limit for Money Market Funds be increased to £125m, with the maximum exposure to a single Money Market Fund increased to £25m be agreed.

4 Local Council Tax Reduction Scheme 2021/22

The Council considered a report of the Corporate Director of Resources which sought approval for the continuation of the current Local Council Tax Reduction Scheme (LCTRS) for a further year into 2021/22, which would continue the protection afforded to all claimants in line with what their entitlement would have been under the former Council Tax Benefit system (for copy see file of Minutes).

In **Moving** the report Councillor A Napier, Deputy Leader and Cabinet Portfolio Holder for Finance, informed Council that he had championed the need to maintain the Council Tax Support Scheme for many years. The Council had consistently protected the benefits payable under the Scheme to ensure the most vulnerable residents were supported. It was more important than ever to continue to provide benefits through the Scheme that mirrored those that were in place before the Scheme was passed to local authorities. Responsibility for the Scheme was passed to local authorities, together with an assumed 10% cut to the funding needed to deliver it. It was because the Council had protected its Scheme that it had been able to provide additional support through the pandemic. The Council had applied a further £300

reduction eligible resident's council tax bills this financial year which had been a huge help to people who were struggling to pay bills and make ends meet. The Council was also proposing to apply an additional £100 of council tax support for next year. This, alongside the Council's welfare support schemes, would ensure the Council was providing as much support as possible to local residents.

In **Seconding** the report, Councillor S Henig informed Council that he was delighted that Cabinet had resolved to recommend to Council that the current Local Council Tax Reduction Scheme be continued for another year. Seven years after the government abolished the national council tax benefits system Durham was among a small number of authorities nationally to continue to offer working age residents up to 100% exemption from paying council tax and the only authority in the north-east to do so. The Local Council Tax Reduction Scheme benefitted tens of thousands of residents across County Durham and this was more important than ever during the extremely difficult circumstances of the coronavirus pandemic. The report showed that the Scheme had seen significant increased demand.

Resolved:

That:

- (a) the current Local Council Tax Reduction Scheme into 2021/22, which will retain the same level of support to all working age council taxpayers on low incomes as was the case under the previous Council Tax Benefit Scheme be continued.
- (b) the extension to the Scheme be initially for a further year only and be kept under continuous review with a further decision on the scheme to apply in 2022/23 to be considered by Cabinet in summer 2021 and Full Council by 11 March 2022 be agreed.

5 Overview and Scrutiny Committee Annual Report 2019/20

The Council noted the Overview and Scrutiny Annual Report 2019/20 (for copy see file of Minutes).

Councillor R Crute, Chair of the Corporate Overview and Scrutiny Management Board presented the report to Council. The report covered a longer period than usual, including scrutiny work from May 2019 up to the summer recess in 2020. As with so many things in 2020 scrutiny had needed to change the way it carried out its work. The work programme had been paused in March 2020 due to the global pandemic and while officers and Members were busy supporting communities across County Durham. Once emergency legislation was introduced and remote meetings could take place scrutiny was able to restart the work programme, but this needed to be re-prioritised with a reduced number of meetings. This inevitably meant that

some work which was planned to be carried out could not be completed and therefore some review work would carry on into 2020/21.

Councillor Crute provided Council with some of the work covered during the year in the thematic committees as follows:

- The Adults, Wellbeing and Health Overview and Scrutiny Committee had engaged in a number of statutory consultations on proposed changes to the delivery of health services. The Committee also continued its review of GP provision.
- A joint committee with Members of the Children and Young People's Overview and Scrutiny Committee and Environment and Sustainable Communities Committee considered proposals for the extension of the community water fluoridation scheme.
- The Children and Young People's Overview and Scrutiny Committee worked jointly with the Safer and Stronger Communities Overview and Scrutiny Committee on a review of children's residential care homes. The Children and Young People's Overview and Scrutiny Committee had also carried out a review of elective home education and prior to lockdown the Committee had continued its practice of engaging with young people with a successful meeting held in Durham Johnston School.
- The Economy and Enterprise Overview and Scrutiny Committee monitored a proposed selective licensing scheme for the County and also considered the continued development of key strategic employment sites and continued to monitor the progress of the County Durham Plan and the Housing Strategy for County Durham.
- The Environment and Sustainable Communities Overview and Scrutiny Committee undertook a review of the County Council's proposed future allotment policy and provided a comprehensive response to the Climate Emergency consultation and would continue to monitor progress of the Climate Emergency Response Plan and the County Council's Carbon Management Plan.
- The Safer and Stronger Communities Overview and Scrutiny Committee provided comment on the Safe Durham Partnership Plan and undertook review activity on the development of a road safety strategy. The Committee also had one of its earlier recommendations on Cyber Crime fulfilled with the production of a film called Hack which highlighted the dangers of cyber crime.
- The Corporate Overview and Scrutiny Management Board contributed to the budget process through consideration of the Medium Term Financial Plan. In times of continued austerity and increasing financial uncertainty this was a significant undertaking. The Committee had also monitored performance and contributed to the consultation process for the Vision for County Durham 2035.

Scrutiny continued to take part in a considerable amount of partnership working, including scrutinising the NHS, taking part in the North East Combined Authority Overview and Scrutiny Committee and the Joint Transport Overview and Scrutiny Committee.

Councillor J Robinson placed on record the thanks of all of the Scrutiny Committees to Councillor Crute for the excellent way he chaired Scrutiny and for his support of all Chairs and Vice-Chairs.

6 Appointment of Interim Chief Executive

The Council considered a report of the Chief Officer Appointments Committee which informed Council of the recruitment process for an interim Chief Executive and sought approval for the recommended appointment to the post (for copy see file of Minutes).

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

Resolved:

That John Hewitt be appointed as the Interim Chief Executive Officer with effect from 1 January 2021.

7 Director of Public Health Annual Report 2020

The Council received the 2020 Annual Report of the Director of Public Health for County Durham (for copy see file of Minutes).

Under the Health and Social Care Act 2012, one of the statutory requirements of the Director of Public Health was to produce an annual report about the health of the local population. The local authority had a duty to publish the report. The government had not specified what the annual report might contain and had made it clear that this was a decision for individual Directors of Public Health to determine.

The Director of Public Health annual report for 2020 focused on the following:

- a) Health and wellbeing across County Durham
- b) Response to COVID-19
- c) Approach to Wellbeing
- d) The Taylor's Community
- e) How the Council had worked with partners to impact on the Health and Wellbeing of residents living in County Durham
- f) An update on the seven public health strategic priorities
- g) A focus on the following strategic priorities and recommendations for their future work:
 - i. Good jobs and places to live learn and play
 - ii. Every child to have the best start in life

- h) An update on recommendations from 2019
- i) A set of recommendations based on the two priority areas of focus

Councillor L Hovvels, Cabinet Portfolio Holder for Adult and Health Services thanked the Director of Public Health for the presentation of the Annual Report. The response to the COVID-19 pandemic was a specific focus to this year's Annual Report. The pandemic was one of the greatest public health challenges in living memory with significant repercussions to health and wellbeing of families and communities. The response clearly demonstrated that health and wellbeing was everybody's business and the vital part that individuals, communities, businesses, services and organisations played in controlling the virus in working alongside residents.

8 Corporate Parenting Panel Annual Report 2019/20

The Council received the Corporate Parenting Panel Annual Report April 2019 – March 2020 (for copy see file of Minutes).

The Annual Report was due to be agreed by the Corporate Parenting Panel at its meeting on 17 July 2020, however due to the Covid 19 pandemic it was agreed by the Chair and Vice Chair, then circulated by email to the Corporate Parenting Panel for wider agreement. The Annual Report 2019-20 was endorsed by Cabinet on 14 October 2020.

Councillor Jewell, Chair of the Corporate Parenting Panel informed Council that the report covered the period April 2019 to March 2020 and was presented to Council later than usual due to the ongoing pandemic. Councillor Jewell thanked Members and Co-opted Members of the Corporate Parenting Panel, officers and young people for their continued work and commitment throughout the year.

Councillor Jewell reminded all Members that they had responsibility as Corporate Parents, even if they were not Members of the Corporate Parenting Panel. Young people were an important part of the overall process and it was important for them to feed into the process from a child and young person in care perspective. The Panel had worked hard to improve the offer for children and young people in care and Councillor Jewell outlined the Panel's priorities for 2020/21.

Councillor O Gunn, Cabinet Portfolio Holder for Children and Young People's Services placed on record the council's thanks to Members of the Corporate Parenting Panel for their excellent work and also to the Children in Care Council for their input and contribution.

Councillor Hopgood requested that the Council's thanks to Councillor Brookes, who was Chair of the Panel for the majority of the time the report referred to, be formally minuted.

9 Motions on Notice

In accordance with a Motion it was:

Moved by Councillor O Temple, **Seconded** by Councillor E Scott that:

This council is aware that that the council has taken multimillion pound headleases in respect of four developments in County Durham:

- 1. Two office developments at Freeman's Reach, Durham City*
- 2. An industrial development at Merchant Park, Newton Aycliffe*
- 3. The major development currently under construction at Milburngate, Durham City*

Council is also aware that at the time of approving these head leases, Cabinet took into account the significant transfer from the private sector to the council of both the potential risk and reward that could flow from these developments. At that time cabinet judged that the potential rewards outweighed the possible risks.

In the light of the coronavirus pandemic and the significant changes that are taking place in both commercial practice and consumer behaviour as a result of it, council requests that a report be brought to the next meeting of Cabinet after 1st February 2021 setting out the cabinet's latest detailed assessment of these changed circumstances and their likely impact on the council's budget in future years in terms of:

- The current and future expected range of commercial activity to be undertaken by leaseholders/tenants of these properties*
- Potentially changed lease or rental levels for each of these tenant types*
- The likelihood of the council being able to re-let the properties where the leases of current or contracted occupants come to an end before the council's head lease itself ends*
- The revised best and worst-case scenarios the council envisages in terms of Income and expenditure from these investments.*

Councillor C Marshall, Cabinet Portfolio Holder for Economic Regeneration thanked Councillor Temple for his Motion. Councillor Marshall informed Council that he supported the Motion and looked to bring forward a full and thorough report on the Council's ambition to grow the economy of County Durham to Cabinet in February 2021.

Their being no dissent, the Motion was **carried**.

Moved by Councillor P Sexton, **Seconded** by Councillor Shuttleworth that:

I call on the Council to conduct an internal review of the decision made to allow admissions of Covid-19 patients from Hospitals into County Durham care homes.

Councillor L Hovvels, Cabinet Portfolio Holder for Adult and Health Services informed Council that she was always available for any Member to speak to her about concerns they may have. In March 2020 the government instructed local authorities to work with the NHS to support with the discharge of patients from hospital to make way for the anticipated surge in the number of admissions due to COVID-19. Throughout the pandemic the Council had followed national guidelines, worked closely with NHS colleagues and provided extensive practical and financial support to all care homes. Ultimately, it was a clinical decision to discharge somebody from hospital. All current resources were focused on managing the evolving situation of the pandemic within the County. The Prime Minister was committed to a national inquiry in the future and the national guidance given around the admissions of the COVID-19 patients into care homes would no doubt be a key element of the inquiry. Councillor Hovvels could not support the Motion until the national inquiry had taken place.

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

Moved by Councillor M Wilkes, **Seconded** by Councillor L Mavin that:

County Durham has one of the highest Covid-19 care home death rates in the UK. There continues to be significant outbreaks in our care homes.

It is essential that we learn from what has happened and continues to happen so that we can reduce the risks of further deaths in our care homes over the winter and spring.

This Council therefore calls for an independent review to take place immediately to report back as soon as possible with initial findings.

Councillor L Hovvels, Cabinet Portfolio Holder for Adult and Health Services expressed her sincere condolences to all those who had lost loved ones as a result of the pandemic and thanked all staff working in social care during these unprecedented and challenging times. It was very misleading to say that County Durham had one of the highest care home death rates in the

United Kingdom. County Durham had one of the largest numbers of care homes in the country with over 5,000 beds. Sadly, during Phase 1 County Durham experienced approximately 66 deaths for every 1,000 care home beds and this rate was in line with many other local authorities across the country. Undertaking an independent review would be a complex and challenging exercise in terms of appointing an independent Chair, establishing the terms of reference, gathering thousands of pieces of evidence, interviewing relevant individuals and reviewing the evidence. This could take up to two years and be an expensive exercise. It was right however to learn lessons from the pandemic and the Prime Minister had committed to a national enquiry, which the Council could feed into at the time. All resources were focussed on managing the ongoing situation within County Durham and it would not be right to divert any essential resources away from the matter in hand to carry out an investigation at this time.

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

Moved by Councillor O Gunn, **Seconded** by Councillor McKeon that:

This Council notes with concern the unique and challenging circumstances currently affecting schools and applauds the work of teachers and all school staff. Since the outbreak of COVID 19 their commitment to provide the best possible educational experience in an increasingly challenging and complex scenario has been outstanding.

The impact of the pandemic has resulted in significant disruption to teaching and learning and, as a result, pupils taking GCSEs, AS and A -levels cannot realistically be expected to either focus properly upon their education or complete all of the units of work necessary. Moreover, there has been a disproportionate impact in some areas that already faced significant inequalities due to high infection rates, the North East being one of those areas worst affected.

This Council asserts that the vast inequalities of classroom based learning vs home learning make any traditional examination system fundamentally flawed and unfair. It is impossible to guarantee a level playing field for examinations in 2021. Furthermore, a three week examination delay announced by Government falls far short of addressing the anxieties and concerns of teachers, parents and most importantly, the pupils themselves.

It is therefore essential that the Government provides clarity for pupils and teachers now and not next month or next year. The fiasco of the summer examinations was hugely stressful for pupils and there must be no repeat of the confusion and anxiety caused by another Government last minute u turn.

This Council deplores the Government's unwillingness to listen to educators and learners whilst expecting them to work in such challenging circumstances.

This Council therefore calls upon the Government as a matter of urgency to:

- a) cancel 2021 school examinations and move to a robust and transparent teacher assessment model;*
- b) liaise with Local Government and other relevant bodies to bring this to fruition.*

An Amendment was **Moved** by Councillor R Bell, **Seconded** by Councillor Makepeace as follows:

This Council notes with concern the unique and challenging circumstances currently affecting schools and applauds the work of teachers and all school staff. Since the outbreak of COVID 19 their commitment to provide the best possible educational experience in an increasingly challenging and complex scenario has been outstanding.

~~*The impact of the pandemic has resulted in significant disruption to teaching and learning. and, as a result, pupils taking GCSEs, AS and A levels cannot realistically be expected to either focus properly upon their education or complete all of the units of work necessary. Moreover, there has been a disproportionate impact in some areas that already faced significant inequalities due to high infection rates, the North East being one of those areas worst affected.*~~

This Council notes with concern that the North East has been one of those areas worst affected by Covid-related disruption.

This Council notes that the Prime Minister and Education Secretary have been clear that exams will go ahead in 2021. Recognising that the pandemic has disrupted students' learning, the Education Secretary has announced that most AS, A levels and GCSEs will be held three weeks later than usual.

This Council notes also the anxiety caused by the uncertainty over SATS tests for our Year 6 primary pupils.

This Council therefore calls upon the Government as a matter of urgency to:

- a) Ensure that exams can go ahead in 2021 on a fair and equitable basis;***

- b) Publish updated guidance before the end of the year, on how to take into account Covid-related disruption on a school by school, class by class and individual by individual basis in awarding exam results;**
- c) Introduce robust and transparent processes for continuous assessment, to ensure that the impact on individuals of their specific circumstances due to Covid-related disruption are taken onto account in grading;**
- d) Publish a timetable for examinations and any changes before the end of the year to allow pupils and teachers to know what is being worked towards; and**
- e) Liaise with Local Government, schools and other relevant bodies to bring this plan to fruition and thereby ensure a smooth exam season.**

~~This Council asserts that the vast inequalities of classroom based learning vs home learning make any traditional examination system fundamentally flawed and unfair. It is impossible to guarantee a level playing field for examinations in 2021. Furthermore, a three week examination delay announced by Government falls far short of addressing the anxieties and concerns of teachers, parents and most importantly, the pupils themselves.~~

~~It is therefore essential that the Government provides clarity for pupils and teachers now and not next month or next year. The fiasco of the summer examinations was hugely stressful for pupils and there must be no repeat of the confusion and anxiety caused by another Government last minute u turn.~~

~~This Council deplores the Government's unwillingness to listen to educators and learners whilst expecting them to work in such challenging circumstances.~~

~~This Council therefore calls upon the Government as a matter of urgency to:~~

- ~~e) cancel 2021 school examinations and move to a robust and transparent teacher assessment model;~~
- ~~d) liaise with Local Government and other relevant bodies to bring this to fruition.~~

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

Upon a further vote being taken the Motion was **Carried**.

Moved by Councillor L Hovvels, **Seconded** by Councillor J Robinson that:

The NHS Test and Trace was introduced on 28th May 2020 and is a cross - Government programme chaired by Baroness Dido Harding, reporting directly to the Prime Minister and the Cabinet Secretary. It was set up as a world beating system to ensure population level testing and contact tracing to enable people to be tested, traced and then isolated to slow the spread of coronavirus. Local Authorities were told by Government that the system would be fully operational by September as schools and then universities returned.

The NHS Test and Trace Tier 2 nationally employed call handlers, currently contact 83% of County Durham residents in the first 24 hours after testing positive for coronavirus. However only 57% of their close contacts are contacted. 17% of positive cases are therefore missed and are then being referred to the Public Health England Health Protection Team and subsequently the Local Authority Public Health Team. 43% of contacts are not reached at all.

The Local Authority has a responsibility to deliver a Local Outbreak Control Plan with testing, trace and isolate being key components of this plan. However, until NHS Test and Trace can fulfil the initial expectations set out by Government the Local Authority will remain unable to fully deliver this plan and fully protect the health of our residents. I call upon the Council to:

- express a vote of no confidence in NHS Test and Trace*
- write to the Secretary of State for Health and Care to express grave concerns at the failings of NHS Test and Trace and the impact it has had on local outbreak control arrangements*
- thank local Council staff who are managing cases due to the shortcomings of NHS Test and Trace*

An Amendment was **Moved** by Councillor R Bell, **Seconded** by Councillor A Bainbridge as follows:

Paragraphs 1-3 of the original motion remain unchanged. Amendments highlighted in bold as follows:

I call upon the Council to:

- **Require the Cabinet Portfolio holder for Adult and Health Services and the Director of Public Health to produce and publish a plan by the end of December 2020 showing the steps that need to be taken to improve the situation.***
- write to the Secretary of State for Health and Care to express grave concerns at the failings of NHS Test and Trace and the impact it has had on local outbreak control arrangements, **and request the changes that need to be made.***

- *thank local Council staff who are managing cases due to the shortcomings of NHS Test and Trace **and brief them on the new plan once available.***
- ***Urge the people of County Durham to comply with the requirements of the Test and Trace system.***

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

An Amendment was **Moved** by Councillor C Martin, **Seconded** by Councillor A Hopgood as follows:

Paragraphs 1-3 of the original motion remain unchanged. Amendments as follows:

I call upon the Council to:

- ~~*express a vote of no confidence in NHS Test and Trace*~~
- *write to the Secretary of State for Health and Care to express grave concerns at the failings of NHS Test and Trace and the impact it has had on local outbreak control arrangements*
- *thank local Council staff who are managing cases due to the shortcomings of NHS Test and Trace*

Councillor Hovvels, in response to the debate on her Motion, informed Council that she agreed to remove reference to the NHS in the first bullet point of her Motion, which would now read as follows:

- *express a vote of no confidence in Test and Trace*

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

The Head of Legal and Democratic Services advised Council that during the debate on the last amendment Councillor Hovvels had indicated that she would alter her Motion to remove reference to NHS in the first bullet point of her Motion. This was permissible under Council Procedure Rules which stated that where a Member wished to alter a Motion which had been moved and seconded required the consent of both the meeting and seconder and the meetings consent would be signified without discussion. Councillor J Robinson, as seconder to the Motion, indicated his consent to the removal of the reference to NHS in the first bullet point of the Motion. Council agreed that the substantive Motion was duly altered.

Following further debate Councillor Hovvels confirmed she agreed to remove reference to NHS in the second bullet point of her motion, which would read as follows:

- *write to the Secretary of State for Health and Care to express grave concerns at the failings of Test and Trace and the impact it has had on local outbreak control arrangements*

The Head of Legal and Democratic Services confirmed that the Substantive Motion to be voted on had been amended to remove reference to NHS in the first two bullet points.

Upon a vote being taken the Substantive Motion, as amended, was **Carried**.

At the conclusion of the meeting the Chair extended her best wishes for Christmas and the New Year.