

## **DURHAM COUNTY COUNCIL**

At an **Ordinary Meeting** of the County Council held in the **The Main Hall - Spennymoor Leisure Centre** on **Wednesday 8 December 2021** at **10.00 am**

**Present:**

### **Councillor W Stelling in the Chair**

Councillors M Abley, E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, B Bainbridge (Vice-Chair), A Batey, K Batey, A Bell, C Bell, R Bell, G Binney, J Blakey, D Boyes, D Brown, L Brown, J Cairns, J Charlton, J Cosslett, B Coult, R Crute, M Currah, S Deinali, T Duffy, J Elmer, L Fenwick, C Fletcher, D Freeman, J Griffiths, O Gunn, D Haney, P Heaviside, T Henderson, S Henig, L A Holmes, A Hopgood, L Hovvels, J Howey, C Hunt, A Jackson, M Johnson, P Jopling, C Kay, B Kellett, C Lines, L Maddison, R Manchester, C Martin, E Mavin, L Mavin, M McGaun, D McKenna, M McKeon, I McLean, J Miller, P Molloy, D Mulholland, D Nicholls, J Nicholson, D Oliver, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, S Quinn, A Reed, G Richardson, I Roberts, K Robson, K Rooney, J Rowlandson, E Scott, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, T Smith, M Stead, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, P Taylor, F Tinsley, S Townsend, C Varty, E Waldock, M Walton, A Watson, M Wilkes, M Wilson, D Wood, R Yorke and S Zair

Apologies for absence were received from Councillors J Chaplow, R Charlton-Lainé, I Cochrane, C Hampson, A Hanson, K Hawley, J Higgins, D Howarth, G Hutchinson, B McAloon, S McMahon, M-Idwal Roberts, S Robinson, A Savory and S Wilson

The Chair announced that this was the first Council meeting since the passing of serving Councillor Brian Avery. Brian represented the Ferryhill Electoral Division on the County Council from 1 May 2008 and had also been a former District Councillor having been one of the Councillors for the Chilton Ward on Sedgefield Borough Council from 1991-2008. Brian had also served as a Ferryhill Town Councillor and had previously been Mayor of the Town Council.

Brian's sudden passing came as a shock to all. Brian was devoted to everyone - his family, his friends, the wellbeing of others and the people he passionately represented. He did everything within his power for his

community and that warmth, kindness and humility shone through in the time of reflection following Brian's sad passing.

Brian's character, his charm and wit, his sheer dedication would be a huge miss to all those that knew him and worked with him.

All Group Leaders or their representatives, and Councillor J Charlton as Chair of the Safer and Stronger Communities Overview and Scrutiny Committee paid tribute to Councillor Avery's long and valued service and expressed condolences to his family.

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

## **1 Minutes**

The minutes of the meeting held on 20 October 2021 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 items of business on the agenda.

## **3 Chair's Announcements**

The Chair reported that he had continued to enjoy attending events over the last month including the Council's own Christmas Carol Service held at County Hall last week.

The Chair was pleased to announce that Durham County Council Children's Services were winners of the 'Supporting Solution Service' award at the Local Government Chronicle Awards, which celebrated excellence in local government. The Chair invited the Corporate Director of Children and Young People's Services to collect the award and to say a few words about the award.

## **4 Leader's Report**

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

The last weekend of November saw gale force winds, torrential rain and heavy snowfall as Storm Arwen struck the region.

Since then, the Council had been working extremely closely with its partners in County Durham and Darlington Local Resilience Forum to provide help and support to residents, including supporting National Powergrid and helping people affected by power outages.

Work was still ongoing, and council staff and all of the Council's partners had been working extremely hard to help local communities in the aftermath of the storm. The Leader thanked everyone who had gone above and beyond to support local communities in County Durham.

The Leader also thanked local communities themselves who had rallied round to support each other, and also the military for their support and assistance during what had been an extremely challenging time.

The Leader invited John Hewitt, the Council's Chief Executive and Chair of the LRF Strategic Coordinating Group and Stuart Errington, Chief Fire Officer and Chair of the Local Resilience Forum to give the Council the latest update.

The Leader informed Council that it was not intended to enter debate on this item as officers and Members had been dealing with many queries and were still responding to the incident. However, the Council would look at how a review was undertaken when the national position on any review that may be undertaken was understood.

The Chair invited John Hewitt and Stuart Errington to provide Council with an update and requested that any Members who wished to ask questions or to discuss matters with them to do so outside of the meeting.

John Hewitt, Chief Executive and Chair of the LRF Strategic Coordinating Group placed on record his thanks to all staff from the Council and partner agencies who had worked tirelessly to clean up and keep communities safe since the storm hit, which had been an absolutely fantastic effort. John then provided the following points of information:

- Storm Arwen hit large parts of the north-east and Cumbria on the night of Friday 26 November 2021;
- There had been significant impact caused by power outages in County Durham and Northumberland. In County Durham the responsible organisation for resolving the power outage was Northern Powergrid;
- Meetings of LRF partners took place over the weekend of 27 November;
- Through the Strategic Coordination Group, the Council, with agreement of LRF partners, declared a major incident on 1 December;
- At the same time a request for military assistance on behalf of the LRF was initiated, with military assistance arriving in County Durham on Friday 3 December;

- Durham was the first LRF in the north east to declare a major incident.

Stuart Errington, Chair of the LRF for County Durham and Darlington outlined the initial actions that the LRF took and the timeline of events as follows:

- The LRF put in place a Tactical Coordinating Group (TCG) at 11 a.m. on Saturday 27 November in line with normal protocols;
- The TCG was chaired by Durham Constabulary and had representatives from Durham County Council, the Civil Contingencies Unit, County Durham and Darlington Fire and Rescue Service, North East Ambulance Service and Darlington Borough Council as well as a military liaison officer;
- The initial focus of the TCG was to deal with the immediate aftermaths of the storm;
- TCGs continued throughout Saturday and Sunday with generally most agencies seeing a return to normal levels of activity;
- Power outages were a concern but the scale of the issue and timelines for reconnection were not clear;
- On Sunday night a Strategic Call took place to refocus the TCG, specifically around power outages to understand what additional support might be required;
- The TCGs during Monday highlighted concerns that the scale of the problem and the duration of the power outages warranted a Strategic Coordination Group (SCG) to be established and the SCG first met on Tuesday 30 November;
- As LRF Chair and with the information available at the time Stuart was content that the LRF's Multi Agency Incident Procedures were followed;
- This was the first LRF in the country to declare a major incident;
- The LRF would be carrying out a full debrief and identifying any lessons learned;
- The LRF was keen that its response was examined independently and would fully support any reviews put in place.

The Leader thanked John and Stuart for their updates.

Last month saw the successful return of Lumiere to Durham, with the festival's footprint extending far beyond the city. Six fabulous installations in locations including Raby Castle, Finchale Priory and the Pasmore Pavilion at Peterlee, meant even more people were able to experience the magic of this amazing event, which also placed a national spotlight on County Durham, which was an undeniable boost to the bid to be named UK City of Culture 2025.

November also saw the council scoop the Children's Services award at the Local Government Chronicle Awards, and the Leader offered congratulations to all those involved.

Twelve parks across County Durham had been handed Green Flag Awards, which recognised excellence and good practice in the management and development of parks and open spaces. The awards reflected the high standards of maintenance needed to keep the sites looking good and also the involvement of local communities.

The Leader congratulated Paul Darby on his appointment to the role of Corporate Director of Resources on a permanent basis. Paul had been a real asset to the Council since joining in 2009 and had done an exceptional job during the past year as Interim Corporate Director of Resources, guiding the Council's finances through what had been a busy and challenging period. He had already proven to be a valuable addition to the Corporate Management Team.

The Council had recently submitted proposals to the government to consider the reopening of Ferryhill railway station, after the government allocated £500 million to restore railways and reconnect communities in 2020. A Strategic Outline Business Case was now with the Department for Transport, which would decide on next steps. Working with the Auckland Project, the Council had also been successful in applying for the grant from the Department for Transport's Restoring Your Railway fund to develop an early-stage proposal for plans to join the Bishop Auckland and Weardale railway lines.

A joint bid with Durham Constabulary and the Police and Crime Commissioner for County Durham and Darlington to the government's Safety of Women at Night Fund has secured more than £100,000 to ensure people in Durham City were as safe as they could be. The money would be used to offer training and education in how to be aware of vulnerability and to develop nighttime safety.

The council was among a number of organisations in the County to sign a new pledge, announcing their commitment to work together to protect the environment. The County Durham Climate Change Agreement was a new initiative designed to create a strong and active partnership of organisations which would work together to make real environmental progress. The Council's local response to climate change was also the theme of the County Durham Partnership's first in-person meeting since October 2019. A wide range of partners, including the Council, came together to discuss how to strengthen the County's response to climate change.

The Council was urging more people to consider becoming foster carers with the launch of an appeal to recruit more carers for children with additional needs and disabilities. The Council currently had over 250 families caring for children and young people, with carers able to continue supporting young people into adulthood, but more were needed, particularly to support children who required additional support.

Finally, the Leader wished all Members a very Merry Christmas.

Councillor Crute, while not wishing to pre-empt the outcome of any independent inquiry into the Council's response to Storm Arwen, asked the following questions:

- Would the Leader accede to the call for a fully independent inquiry regarding the response following Storm Arwen?
- Did the Leader think she did everything possible to mitigate the impact of Storm Arwen?
- Would the Leader do the same things in the same way in the event of a similar incident?
- Did the Leader feel that the response to the impact of Storm Arwen had let the people of County Durham down?

The Leader of the Council thanked Councillor Crute for his questions. Without wanting to pre-empt the independent review, she had already informed Councillor Crute that she was prepared to meet with both himself and Councillor Marshall next week when Councillor Marshall returned from leave to consider what to do regarding an independent review.

Councillor Boyes asked whether the Leader thought the Council had done enough following Storm Arwen. The Chair reminded Council that he had stated questions about Storm Arwen would be answered outside of the meeting.

Councillor P Taylor raised a point of clarification. Councillor Taylor asked whether the Chair was denying Members the opportunity to ask a question of the Leader's report which included the Coalition's response to Storm Arwen.

The Head of Legal and Democratic Services advised that under Procedure Rules Members were entitled to ask the Leader questions on items in the Leaders report. The Leader and the Chair had already indicated that this was not an item of debate. If Members wished to ask the Leader a question in respect of Storm Arwen they could do so but this was not an opportunity to make statements.

Councillor P Atkinson referred to mention of the reopening of Ferryhill railway station and asked the Leader of an indication of timescales for this. The Leader replied she would provide Councillor Atkinson with this information

outside of the meeting. Councillor McKeon asked when the Council would be informed of the outcome of proposals to reopen the Leamside line and any plans for a railway line to Consett. Councillor McKeon also asked how any reopening of Ferryhill station would be impacted by the proposed reduction of services on the east coast main line to Darlington and Durham. The Leader replied that she would provide Councillor McKeon with this information outside of the meeting,

Councillor Fletcher referred to the County Durham Climate Change Agreement and expressed concern that the City of Durham Parish Council had recently withdrawn its support for the COP 26 event in Durham City. Councillor Fletcher asked whether the current administration would provide support for this work to continue. The Leader replied that she would provide Councillor Fletcher with this information outside of the meeting.

## **5 Questions from the Public**

There were no questions from the public.

## **6 Petitions**

There were no petitions for consideration.

## **7 Report from the Cabinet**

The Leader of the Council provided the Council with an update of business discussed by Cabinet at meetings held on 13 October and 17 November 2021 (for copy see file of Minutes).

## **8 Appointment of Vice-Chair of the Safer and Stronger Communities Overview and Scrutiny Committee**

**Moved** by Councillor J Shuttleworth, **Seconded** by Councillor A Shield that Councillor P Heaviside be appointed Vice-Chair of the Safer and Stronger Communities Overview and Scrutiny Committee.

**Moved** by Councillor R Crute, **Seconded** by Councillor S Deinali that Councillor J Miller be appointed Vice-Chair of the Safer and Stronger Communities Overview and Scrutiny Committee.

Upon a vote being taken it was

### **Resolved:**

That Councillor P Heaviside be appointed Vice-Chair of the Safer and Stronger Communities Overview and Scrutiny Committee.

## **9 Review of the Gambling Act 2005 Statement of Principles**

The Council considered a report of the Corporate Director of Neighbourhoods and Climate Change which sought approval and adoption of a revised Statement of Principles (Gambling Policy) for 2022 to 2025 in accordance with the Gambling Act 2005. Once adopted, the revised policy would enable the Council to continue to make decisions when exercising its responsibilities as the Licensing Authority under the Gambling Act 2005 for the next three years (for copy see file of Minutes).

**Moved** by Councillor Shuttleworth, Cabinet Portfolio Holder for Rural Communities and Highways, **Seconded** by Councillor D Stoker and

### **Resolved:**

That the revised Statement of Principles be approved.

## **10 Review of the Council's Hackney Carriage and Private Hire Licensing Policy**

The Chair informed Council that this item was to be deferred and considered at the meeting of Council in January 2022.

## **11 Mid-Year Review Report on Treasury Management for the period to 30 September 2021**

The Council noted a report of the Corporate Director of Resources which provided information on the treasury management mid-year position for 2021/22 and provided a summary of the Council's treasury position, borrowing activity, investment activity, treasury management and prudential indicators as at 30 September 2021 (for copy see file of Minutes).

## **12 Director of Public Health Annual Report 2021**

The Council received the 2021 Annual Report of the Director of Public Health for County Durham (for copy see file of Minutes).

Under the National Health Service Act 2006, 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 2021 focused on the following:

- Health and wellbeing across County Durham
- Approach to wellbeing

- County Durham – our health roadmap
- COVID-19 – response and recovery
- Update on strategic priorities
- Specific focus on 3 remaining strategic priorities:
  - Promoting positive behaviours
  - High quality drug and alcohol services
  - Better quality of life through integrated health and care services
- Revisiting the Taylors with a focus on real life case studies
- Update on recommendations from 2020
- A set of recommendations for 2021 based on the three priority areas of focus.

Councillor P Sexton, Cabinet Portfolio Holder for Adult and Health Services thanked the Director of Public Health for the presentation of the Annual Report and placed on record his thanks to the Director and her team for their work over the last 20 months which had been a very challenging time.

### 13 Motions on Notice

Councillor P Molloy informed Council that the Cabinet Member for Adult and Health Services and the Council's Armed Forces Champion had discussed the Motion and the Cabinet supported the idea of extending the discounted rates of gym and swim membership at Council leisure centres to veterans of all ages. These would be introduced under Officer Delegated Powers from 1 April 2022 and as such Councillor Molloy withdrew his Motion.

**Moved** by Councillor R Crute, **Seconded** by Councillor K Shaw:

*The current Council Tax system is outdated, unfair and no longer fit for purpose. Therefore, this council agrees to pursue every available opportunity – including the involvement of appropriate government departments and other agencies as necessary – to consider the benefits and feasibility of adopting a fairer system in the form of a Proportional Property Tax.*

An Amendment was **Moved** by Councillor R Bell, Deputy Leader and Portfolio Holder for Finance, **Seconded** by Councillor A Shield, Cabinet Portfolio Holder for Equality and Inclusion:

*The current Council Tax system is outdated, unfair and no longer fit for purpose. Therefore, this council agrees to pursue every available opportunity – including the involvement of appropriate government departments and other agencies as necessary – to consider the benefits and feasibility of adopting a fairer system ~~in the form of a Proportional Property Tax.~~*

A named vote on the Amendment was requested.

### **For the Amendment**

Councillors M Abley, B Bainbridge, A Bell, C Bell, R Bell, J Blakey, D Brown, L Brown, J Cairns, J Charlton, M Cosslett, B Coult, M Currah, T Duffy, J Elmer, D Freeman, P Heaviside, T Henderson, L A Holmes, A Hopgood, J Howey, C Hunt, A Jackson, M Johnson, P Jopling, C Lines, L Maddison, C Martin, E Mavin, L Mavin, M McGaun, P Molloy, J Nicholson, D Oliver, R Ormerod, E Peeke, R Potts, J Quinn, A Reed, G Richardson, K Robson, K Rooney, J Rowlandson, E Scott, P Sexton, A Shield, J Shuttleworth, M Simmons, A Simpson, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, D Sutton-Lloyd, M Walton, A Watson, M Wilkes and S Zair.

### **Against the Amendment**

Councillors E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, K Batey, G Binney, D Boyes, R Crute, S Deinali, L Fenwick, C Fletcher, J Griffiths, O Gunn, S Henig, L Hovvels, C Kay, B Kellett, R Manchester, D McKenna, M McKeon, I McLean, J Miller, D Nicholls, P Pringle, J Purvis, S Quinn, I Roberts, K Shaw, T Smith, A Surtees, P Taylor, F Tinsley, S Townsend, C Varty, E Waldock, M Wilson, D Wood and R Yorke.

The Amendment was **carried** and therefore became the Substantive Motion.

A named vote on the Substantive Motion was requested.

### **For the Motion**

Councillors E Adam, R Adcock-Forster, V Andrews, J Atkinson, P Atkinson, A Batey, K Batey, A Bell, C Bell, R Bell, G Binney, J Blakey, D Boyes, D Brown, L Brown, J Charlton, M Cosslett, B Coult, R Crute, M Currah, S Deinali, T Duffy, J Elmer, L Fenwick, C Fletcher, D Freeman, J Griffiths, P Heaviside, T Henderson, S Henig, L A Holmes, A Hopgood, L Hovvels, J Howey, C Hunt, A Jackson, M Johnson, C Kay, C Lines, L Maddison, R Manchester, C Martin, E Mavin, L Mavin, M McGaun, D McKenna, M McKeon, I McLean, J Miller, P Molloy, D Nicholls, J Nicholson, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, S Quinn, A Reed, G Richardson, I Roberts, K Robson, K Rooney, J Rowlandson, E Scott, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, T Smith, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, P Taylor, S Townsend, E Waldock, M Walton, A Watson, M Wilkes, M Wilson, D Wood, R Yorke and S Zair.

### **Against the Motion**

Councillors M Abley, B Bainbridge, J Cairns, O Gunn, P Jopling, B Kellett and C Varty.

## **Abstain**

Councillors D Oliver and F Tinsley.

The Substantive Motion was **carried**.

## **14 Questions from Members**

Councillor R Yorke asked the following question

*Since the last full council, a petition signed by nearly 1000 residents from West Auckland has called upon Durham County Council to rethink its position regarding the Toft Hill bypass.*

*Can the Leader explain why West Auckland wasn't included within the Levelling Up application and also why no public consultation was carried out?*

Councillor A Hopgood, Leader of the Council, thanked Councillor Yorke for his question and provided the following response:

I take it as a compliment to this Cabinet and Joint Administration that you have the confidence in our ability that we could not only develop, consult and produce the Bishop Auckland levelling up bid but also make a decision to submit it in under 10 working days of taking office.

Therefore, credit where credit is due, the bid that was submitted for Bishop Auckland constituency was drawn up under the previous administration and presumably in conjunction with the Cabinet at that time. The particular element that your question refers to is one that I would have expected you to be fully aware of given that at the time you were the Cabinet Support Member for the Portfolio holder responsible for highways.

As Members are aware the remaining five bids have already involved Member engagement, a first for many Members in this hall but I can assure you it won't be the last, so Councillor Yorke in conclusion this was your administration bid and therefore you may be better placed to ask Councillor Marshall these questions

Councillor Yorke responded that he was aware of the application adding that the previous administration agreed to consult with residents. There had been no consultation with residents about the bid. Councillor Yorke asked if a bypass was good enough for the people of Toft Hill why was it not good enough for the residents of West Auckland.

Councillor Hopgood thanked Councillor Yorke for his supplementary question. There would be a consultation in the new year with the Members of Bishop Auckland Constituency to consider actions going forward.

Councillor Hopgood reminded Councillor Yorke that the previous administration drew up and proposed the 2020 County Durham Plan which did not contain a bypass for West Auckland which had never been in discussion and did not form part of any joint transport work for the last 20 years.