

DURHAM COUNTY COUNCIL

At an **Extraordinary Meeting** of the County Council held in the **Council Chamber, County Hall, Durham** on **Wednesday 7 December 2022** at **11.00 am**

Present:

Councillor B Bainbridge in the Chair

Councillors M Abley, E Adam, R Adcock-Forster, V Andrews, J Atkinson, A Batey, A Bell, C Bell, R Bell, C Bihari, G Binney, J Blakey, D Boyes, D Brown, L Brown, R Charlton-Lainé, J Charlton, I Cochrane, J Cosslett, B Coult, R Crute, M Currah, S Deinali, T Duffy, K Earley, J Elmer, K Fantarrow, L Fenwick, C Fletcher, D Freeman, J Griffiths, O Gunn, D Hall, C Hampson, D Haney, A Hanson, K Hawley, P Heaviside, T Henderson, S Henig, J Higgins, L A Holmes, C Hood, A Hopgood, L Hovvels, D Howarth, J Howey, G Hutchinson, A Jackson, M Johnson, N Jones, P Jopling, C Kay, B Kellett, L Kennedy, C Lines, L Maddison, C Marshall, C Martin, E Mavin, L Mavin, B McAloon, S McDonnell, M McGaun, D McKenna, M McKeon, I McLean, S McMahan, J Miller, B Moist, P Molloy, D Mulholland, D Nicholls, J Nicholson (Vice-Chair), D Oliver, R Ormerod, E Peeke, R Potts, P Pringle, J Purvis, J Quinn, S Quinn, A Reed, G Richardson, I Roberts, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, P Sexton, K Shaw, A Shield, J Shuttleworth, M Simmons, A Simpson, G Smith, T Smith, M Stead, W Stelling, A Sterling, D Stoker, T Stubbs, A Surtees, D Sutton-Lloyd, F Tinsley, S Townsend, C Varty, E Waldock, M Walton, A Watson, M Wilkes, M Wilson, S Wilson, D Wood, R Yorke and S Zair

Apologies for absence were received from Councillors P Atkinson, J Chaplow and C Hunt

1 Declarations of Interest

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

2 To consider the business set out in the requisition

The Chair informed Council that the Extraordinary Council meeting had been convened following a requisition submitted and signed by the requisite number of Councillors.

The Head of Legal and Democratic Services informed Council that the Motion submitted by Members of the Labour Group was a Motion on Notice

and the usual rules of debate would apply. The Head of Legal and Democratic Services advised Members that at this stage the terms of any devolution deal were the subject of negotiation. They were confidential until such time as there was a deal in principle, and it was announced by the Secretary of State. At that point details would be published and the statutory process for consideration of the proposed deal would commence. That would include consideration of the options by Cabinet as well as a public consultation on the proposed scheme before a final decision was taken as to whether to enter the deal. This approach was consistent with that taken in relation to other recently announced devolution deals elsewhere in the country. Therefore, for the purposes of the debate the Head of Legal and Democratic Services advised Members to concentrate on the principles of devolution rather than specific proposals. If specific proposals were raised it may be necessary to pass a resolution to exclude the press and public.

Councillor A Hopgood, Leader of the Council **Moved** a Motion without Notice to extend the time allowed for the Motion to one hour. **Seconded** by Councillor R Bell, Deputy Leader and Portfolio Holder for Finance.

Unanimously **agreed** by Council.

Moved by Councillor C Marshall, **Seconded** by Councillor R Crute

This Council recommends Durham County Council's cabinet puts County Durham first by securing a Countywide devolution deal with government.

In moving his Motion Councillor Marshall informed Council that a Countywide devolution deal would provide County Durham with more powers, more investment and more ability to set its own priorities. Councillor Marshall asked why the Council's leadership would pass up on this once in a generation opportunity which had never been offered to the previous Labour administration.

The current devolution deal did not have any money legally committed to County Durham but the same could not be said for other parts of the North East. Councillor Marshall urged Members to support a Durham only deal.

In response to a question raised by Councillor A Watson the Head of Legal and Democratic Services advised Council it was not being asked to make a decision in respect of devolution, the Motion recommended that Council recommends to Cabinet that it chooses a County deal.

In seconding the Motion Councillor R Crute echoed the words of Councillor Marshall. A County Durham deal would put Durham first on every metric and ensure all money devolved to County Durham would remain within County Durham. Councillor Crute asked why the leadership of the Council had

switched tack to support a metropolitan devolution deal designed and funded specifically to serve the urban towns and cities of Tyne and Wear. County Durham was a unique and rural county that needed and deserved its own bespoke devolution deal.

Councillor A Hopgood, Leader of the Council **Moved** the following amendment

This Council recommends Durham County Council's cabinet puts County Durham first by securing a ~~Countywide~~ devolution deal *that is best for County Durham residents and businesses*, with government.

In moving the Amendment Councillor Hopgood informed Council that County Durham was a part of an LA7 and the population of County Durham was a quarter of what the LA7 made up. There were no guarantees for any spending detailed to any local authority within any of the deals but there was a process to follow as set out by the Secretary of State. This would be followed and presented to Cabinet in due course.

Referring to what was best for County Durham, the Motion as moved presented only one option and therefore did not represent what was necessarily best for County Durham. It was important to get the best deal for County Durham regardless of what this was.

Councillor F Tinsley considered that the Amendment completely negated the Motion moved by Councillor Marshall. The Head of Legal and Democratic Services disagreed that the Amendment negated the Motion. For an Amendment to be valid it needed to be relevant to the Motion which it was because it related to the Council's options in respect of devolution, it proposed an alternative course of action which was acceptable, it left open the option of a County deal being recommended to Cabinet and was not the same as just voting against the Motion. Therefore, the Amendment was valid.

Councillor A Shield, Portfolio Holder for Equality and Inclusion **Seconded** the Amendment and reserved his right to speak. Councillor Shield requested a named vote at the conclusion of the debate.

Councillor E Adam spoke against the Amendment. The Amendment almost negated the Motion by offering what was already available which he considered to be a bad deal for County Durham. The deal offered or any other alternative had not been scrutinised.

Councillor R Bell, Deputy Leader and Portfolio Holder for Finance informed Council that the leadership of the Council had been open and transparent throughout and two or three briefings had taken place. Councillor Bell had

taken a keen interest in the finances which were on offer and the amounts would be detailed in a Cabinet report in due course. However, Councillor Bell confirmed that the LA7 deal brought significantly more money than a county deal would have done. Councillor Bell had spoken to three Secretaries of State over the past year and all had been very clear that the most money would follow an LA7 deal and that they wanted an LA7 deal.

In a letter received from Simon Clarke dated 7 October it was stated 'I would also reiterate my view that Durham joining the wider north east deal is likely to result in a more generous settlement than if Durham secured their own mayoral county deal. I trust that his is clear'.

Councillor Bell urged all Members to look at the facts and support the Amendment.

Councillor O Gunn informed Council that while she accepted the advice of the Head of Legal and Democratic Services, she did not believe the Amendment to be valid in respect of it not altering the Motion completely because the Leader and Deputy Leader had already indicated a preferred option.

Councillor Gunn understood that the Leader and Deputy Leader focussed on talks with Ministers and civil servants earlier on a County deal and the reason why the authority came late to the table around the devolution deal for the wider north east was because a County deal would necessitate a mayor for County Durham. Councillor Gunn asked how it could be right to have a mayor who may be based in Newcastle or in Northumberland making decisions for County Durham on issues to do with a whole range of funding and where that funding would go.

Councillor Gunn opposed the Amendment.

Councillor J Miller spoke against the Amendment. He was unsure how it could be said what was the best deal for the residents of County Durham when they had not been consulted. Consultation after the deal had gone to the Secretary of State was far too late. County Durham could be a small part of an LA7 or could be the only part of a county-wide deal.

The Head of Legal and Democratic Services clarified that there was a statutory process to be followed to determine whether or not Durham entered into this. The Secretary of State would announce a deal in principle as he had done with other areas of the country and this is what commenced the statutory process. There would be a public consultation before a final decision was taken by the relevant authorities if appropriate, or just Durham County Council if appropriate and then finally the Secretary of State. To date

consultation with residents had not taken place because the statutory process had not yet commenced.

Councillor F Tinsley referred to the Amendment and asked who decided which devolution deal was in the best interests of County Durham. Although it was acknowledged there was a statutory process this did not mean that Durham could not go beyond this and consult with residents of County Durham now.

Councillor Tinsley supported a county deal because he had confidence in the people of County Durham. A mayor for County Durham could promote the views of County Durham in a way that a regional mayor may not. There was no money whatsoever in a region wide deal which was ring fenced for County Durham.

Councillor Tinsley urged Members to vote against the Amendment and to consider what was best for County Durham and the residents they represented.

Councillor M Wilkes, Portfolio Holder for Neighbourhoods and Climate Change informed Council there were two options. While funding had been raised, there were political differences between the two options – either there would be a directly elected mayor for County Durham only who would have complete control over how the Council's £1bn budget was spent and control over who sat on Cabinet or there would be a regional figurehead with few powers and zero ability to spend or influence any of Durham County Council's budget. A directly elected mayor of the LA7 would sit on a Board with the seven council leaders and make decisions on how additional money provided to the region from government would be spent.

On a point of order Councillor Tinsley referred to the advice of the Head of Legal and Democratic Services that only matters of principle could be discussed. Councillor Wilkes had been clear about specifics of a proposal that was not in the public domain and should be struck from the record.

The Head of Legal and Democratic Services replied that Councillor Wilkes was explaining the distinction between a metro mayor and a directly elected leader. This was in the White Paper and was in the public domain.

Councillor C Hood, Portfolio Holder for Adult and Health Services considered an LA7 deal to be better for the residents of County Durham. An LA7 deal would bring more money and more opportunities for County Durham. An LA7 deal would mean County Durham would become big enough for the government's Trailblazer deal meaning even more devolved powers, more funding and more opportunities which would not be available in a county-only deal.

Referring to how the Council would function in a devolved deal Councillor Hood informed Council that an LA7 deal would result in no change to Durham County Council which would function in the same way as it currently did. A county only deal would mean a directly elected leader who would then have full control over all council services and devolution.

Councillor J Howey informed Council that initially she had thought a Durham deal would be the best option. However, since examining the options and considering the current boundary review she had decided that joining the LA6 was the better option. Joining the LA6 would bring more money into the area for residents, more opportunities, would be more progressive and would have more options. Councillor Howey was in support of the Amendment.

Councillor E Scott, Portfolio Holder for Economy and Partnerships informed Council that she had worked closely with businesses over the last 18 months and she was in no doubt that businesses saw the economic value in working together with regional colleagues and that was the direction of travel which best met joint economic ambitions.

Working in partnership a position was secured as one of the top four in the City of Culture competition which no doubt helped influence the government's recent decision to award the first Regional Tourism pilot to the north east, which would bring £2.7m across the LA7 geography to increase visitor numbers. The strength of the Joint Transport Committee had enabled an award of £163m for bus service improvements, another example of the power of partnership working across the LA7 geography.

Councillor Scott urged Members to support the Amendment.

Councillor A Surtees informed Council that she did not know what would be in a county deal so was unable to decide whether a county or LA7 deal would be best for County Durham. Councillor Surtees would like to have seen the details of the county deal which was available. Without this information Councillor Surtees informed Council she would be voting against the Amendment.

Councillor D Wood raised a point of order and asked whether Cabinet Members should have declared an interest at Agenda Item 1. The Head of Legal and Democratic Services responded that the Cabinet Members did not have another relevant interest to declare. Being a Cabinet Member was not, for the purposes of discharging Council business, another relevant interest.

Councillor M McKeon spoke against the Amendment. Councillor J Blakey and T Duffy spoke in support of the Amendment.

Councillor Shuttleworth, Portfolio Holder for Rural Communities and Highways informed Council that he would not support a deal unless it was in the best interests of the people of County Durham and his local constituents. This was why he was backing the LA7 deal and asked all Members to support the Amendment.

Councillor K Shaw informed Council that if a county deal had been offered to the previous Labour administration from 2013 onwards it would have looked very closely at it with a preference to reach this deal. Such a deal was offered to Durham last year and whilst others, including Cornwall had succeeded in getting the best possible outcome for their area this administration had failed. The LA7 deal was a 30-year contract which would entitle the fifth biggest local authority to nothing other than 30 years of horse trading negotiated from starting position of weakness. Councillor Shaw opposed the Amendment.

Councillor A Sterling informed Council that the Motion was restricted to one choice whereas the Amendment left open all options. She would therefore be supporting the Amendment.

Councillor M McGaun informed Council that the Amendment left open all options to achieve the best results for residents in County Durham.

Councillor Gunn asked whether the Leader and Deputy Leader had already indicated to the Minister what their preferred option was.

The Head of Legal and Democratic Services clarified that for the purposes of the devolution negotiations the Secretary of State had requested the Council's leadership to give an in-principle indication of what their preference was. This was the starting point of the discussions. Having given the in-principle indication there was a negotiation and if there was a deal in principle it would go through the statutory process and the Council had to consider that process before reaching a decision.

Councillor Marshall informed Council that six or seven Members of the Cabinet had stated their preference for an LA7 deal so they had already determined what the best deal was for County Durham. Any Member who thought there would be another discussion on that coming back to Council for all Members to have a vote on – this was it. Today was the last time as a Council this would be debated – the decision would go to Cabinet and through the statutory consultation process. Councillor Watson asked whether this was correct. The Head of Legal and Democratic Services replied that this would depend on the terms of the deal and the final approval process still needed to be determined but there would be a decision of a meeting of the authority.

Councillor Marshall informed Council that he was led to believe from discussions with the Head of Legal and Democratic Services that this would be a Cabinet decision or could be delegated if that was the desire of the leadership. The Head of Legal and Democratic Services responded that she had never said this. Councillor Marshall said he had been told this could be a Cabinet decision. The Head of Legal and Democratic Services responded that she had never said it would be delegated.

Following an exchange between Councillor Marshall and Councillor Hopgood regarding what had been stated at a previous Council meeting Councillor Hopgood confirmed that County Durham would not get transport money in a county deal.

Councillor Marshall urged all Members to think about the communities they had been elected to serve and ask the question did they deserve decisions to be made about their communities closer to home or should they be made by a wider LA7 area.

A vote on the Amendment was taken

For the Amendment

Councillors M Abley, B Bainbridge, A Bell, C Bell, R Bell, J Blakey, D Brown, L Brown, J Charlton, J Cosslett, B Coult, M Currah, T Duffy, J Elmer, D Freeman, D Haney, P Heaviside, T Henderson, L Holmes, C Hood, A Hopgood, J Howey, G Hutchinson, A Jackson, N Jones, P Jopling, C Lines, L Maddison, C Martin, E Mavin, L Mavin, B McAloon, S McDonnell, M McGaun, P Molloy, J Nicholson, D Oliver, R Ormerod, E Peeke, R Potts, J Quinn, A Reed, G Richardson, S Robinson, K Robson, K Rooney, J Rowlandson, A Savory, E Scott, 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, A Batey, C Bihari, G Binney, D Boyes, R Charlton-Lainé, I Cochrane, R Crute, S Deinali, K Earley, K Fantarrow, L Fenwick, C Fletcher, J Griffiths, O Gunn, D Hall, C Hampson, A Hanson, K Hawley, S Henig, J Higgins, L Hovvels, D Howarth, M Johnson, C Kay, B Kellett, L Kennedy, C Marshall, D McKenna, M McKeon, I McLean, S McMahon, J Miller, B Moist, D Mulholland, D Nicholls, P Pringle, J Purvis, S Quinn, I Roberts, P Sexton, K Shaw, G Smith, T Smith, A Surtees, F Tinsley, S Townsend, C Varty, E Waldock, M Wilson, S Wilson, D Wood and R Yorke.

The Amendment became the Substantive Motion.

Upon a further vote being taken the Substantive Motion was **carried**.