

DURHAM COUNTY COUNCIL

At an **Ordinary Meeting** of the County Council held in the **Council Chamber, County Hall, Durham** on **Wednesday 6 December 2023** at **10.00 am**

Present:

Councillor J Nicholson in the Chair

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

Apologies for absence were received from Councillors M Abley, C Bell, D Boyes, L Brown, J Cairns, J Chaplow, R Charlton-Lainé, K Hawley, D Howarth, J Howey, C Kay, S McMahan, D Nicholls, A Reed, S Robinson, A Simpson and S Zair

Prior to the commencement of the meeting the Chair announced with great sadness the deaths of former Derwentside District and Alderman Councillor Jack Pallas and former Durham City Councillor and Alderman John George Cowper.

Jack was elected to represent the Havannah Ward on Derwentside District Council in May 1991 and served until 2003. Jack was made an Alderman in 2009.

John served on Durham City Council from 1991 until 2009 and was a former Mayor of Durham City in 2001. John was made an Alderman in 2009.

Members stood for a moments silence out of respect to Jack and John.

1 Minutes

The minutes of the meeting held on 18 October 2023 were confirmed by the Council as a correct record and signed by the Chair.

2 Declarations of Interest

Councillor J Quinn declared a pecuniary interest in Item No 11 and would leave the meeting during the consideration of this item.

3 Chair's Announcements

The Chair extended a warm welcome to Councillor June Watson, the recently elected Member for the Dawdon Division.

The Chair informed Council that since the last meeting she had attended various events, including a visit by a Japanese delegation to Durham Town Hall in October and in November the launch of the Future Business Magnates scheme. The Chair had also been in attendance at Remembrance Services at County Hall, Haswell, Durham Cathedral and Stanley and the Spanish Apprenticeship Awards at the Spanish Gallery, Bishop Auckland.

The Chair was also pleased to announce that footpath improvements between Old Pit Lane in Newton Hall and Rivergreen at Aykley Heads had been completed.

An 'Excellent' grading had been received for the DurhamEnable service who had been commended in all areas of their work following an audit carried out by the British Association for Supported Employment after receiving a total score of 92 per cent. The DurhamEnable service provided a specialist service for people with disabilities and mental health needs, aged 18 and over find work.

DurhamEnable's job coaches worked with people who faced significant barriers to entering work because of the long-term impact of a disability or deteriorating mental health, helping them to find and stay in work.

Finally the Chair invited all Members join her for a Christmas Celebration on 7 December to be held in the Durham Room at 1.00 p.m.

4 Leader's Report

Councillor A Hopgood, Leader of the Council also congratulated and gave a warm welcome to Councillor June Watson.

Last month had seen the return of Lumiere to County Durham. It was great to see so many people coming into Durham City and Bishop Auckland with around 160,000 people attending over four cold November nights. Their photographs, videos and stories will have reached many hundreds of thousands more.

Looking ahead to the Christmas season there was lots going on across County Durham. There were markets, carols, pantomimes, and visits from Santa, which the Leader was sure many Members would be visiting. Additionally, as mentioned, the Chair's Christmas celebration would be taking place on 7 December.

This was the last County Council meeting before Christmas and the Leader wished all Members a happy and restful festive period and all the best for the new year.

5 Questions from the Public

The Chair informed Council that three public questions had been received for the meeting, from Kay Fotheringham, Bill McArdle and Nigel Watson. Kay Fotheringham and Bill McArdle were in attendance to put their questions and Nigel Watson was unable to attend the meeting but had requested the Chair put his question.

Kay Fotheringham then put the following question:

When did the public consultation about the proposal to build the Tees Valley Energy Recovery facility take place and what was the public response?

Councillor Mark Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change thanked Ms Fotheringham for her question and provided the following response.

Durham County Council has an established Waste Management Strategy that sets out our ambitions to increase the reuse and recycling of materials and reduce the amount of waste for disposal from households in the county. The implementation of this strategy has seen us become the authority with the highest levels of recycling in the North-East despite the recent challenges of the pandemic and the associated change in public behaviours. Furthermore, the Council's waste strategy embeds the principle that we will aim to recover as much value as possible from the waste left over after recycling by avoiding the use of landfill and instead, use the waste that we collect to create energy to help power the national grid and a left-over ash that then can go for further recycling. Landfill is not a solution for County Durham as even the best managed landfills create methane emissions that are a potent greenhouse gas and incredibly harmful.

This strategy for waste management - encapsulated in the phrase 'reduce reuse recycle' – and including the use of energy from waste as a treatment solution was subject to full public consultation when it was developed and we continue to deliver against those principles on a daily basis, emptying a million bins a month for the people of county Durham.

To date our residual treatment solution has been delivered through a commercial contract utilising energy from waste technology at Haverton Hill on Teesside, while this is the best solution currently available it will need to be replaced. The construction of the Tees Valley Energy Recovery project represents a continuation of the County Durham waste strategy but by developing publicly owned state of the art infrastructure, which will be cleaner, greener and better value for money than current arrangements and will secure a reliable waste management solution for the county for decades to come.

The Gunning principles are the founding legal principles for consultation in England and these state that consultation should be undertaken when proposals are at a formative stage. The council adhered to this principle by fully consulting when energy from waste became the strategic solution to the county's residual waste treatment. The new facility continues to deliver on this strategy by providing the best practical environmental option for the future. This council will not return to using landfill as a primary treatment option, nor will it stand still when better environmental options can be delivered, especially when these are better financial options as well.

The facility itself is also subject to rigorous planning controls, which are both extensive and transparent, allowing for both public commentary and consultation and statutory consultation with relevant public agencies, including the Environment Agency. The outcome of the planning process to date has been that Outline Planning Permission was granted in July 2020. Reserved Matters applications, which again were subject to both statutory and public consultation, were considered and subsequently granted planning permission in July 2023.

As the plant is further developed there will be a permitting process through the Environment Agency, again subject to public and statutory consultation, which will set out the detailed conditions under which the facility will run to ensure environmental compliance.

The council continues to be open and transparent in its policies and operations, we have delivered extensive public engagement in all areas of our environmental and climate change policies, and we will continue to make information available online and in the public domain.

Bill McArdle then put the following question:

Contract terms for the Tees Valley Energy Recovery Facility (TVERF) include a duration of 25 years for the main contract. There is also provision for an 11 year extension. If the planned start date is 01.04.26, the main contract will expire in 2050. The extended contract would expire in or about 2060. There is great uncertainty about future recycling rates, residual waste flows, grid connections, possible CCS arrangements and other factors.

Why is Durham County Council prepared to sign off these contracts for such long terms?

Councillor Mark Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change thanked Mr McArdle for his question and provided the following response:

Durham County Council, along with the six other partner authorities involved in the TV ERF project, have a statutory duty to manage waste material safely and in accordance with the law, ensuring that all residents can enjoy a clean and sanitary environment. The development of the TV ERF will allow the Councils to continue to discharge these duties in the long term – whilst maximising carbon emission reductions, maximising recycling, providing control and long-term security as well as a solution that is affordable and provides value for money.

The TV ERF is a critical and essential infrastructure development and will serve more than 1.5 million people living across County Durham, Tees Valley and Newcastle. It will provide a local, secure, reliable and affordable treatment solution for residual waste (the rubbish left over after recycling has taken place) produced in the region, helping move towards the goal of sending zero waste to landfill, whilst ensuring that an essential sanitisation service is maintained.

The project partners are currently in the process of jointly procuring a contractor to Design, Build, Finance and Operate the Tees Valley Energy Recovery Facility (TV ERF). The facility has been designed with sufficient capacity to treat residual household waste from across the region and, in doing so, will generate up to 49.9MW of electricity for export (sufficient to power the equivalent of 60,000 homes). It will be Combined Heat and Power (CHP) enabled, potentially allowing the export of heat to nearby users, and has been designed to be 'Carbon-Capture Ready' to allow the future development of carbon-capture infrastructure which can then be integrated into the TV ERF. As such, the facility will be well placed to deploy these technologies should a viable opportunity arise over the lifetime of the project.

The existing residual waste treatment solutions of the partner authorities are due to expire in 2025/2026. This contract provides an excellent opportunity for the joint procurement of a new, long-term, resilient solution within the full control of the partner authorities that will deliver value for money through economies of scale to each of the partners, including Durham County Council.

Recovering energy from waste only takes place after recycling and is an important component of the waste hierarchy - the policy framework which determines the best environmental solution for dealing with waste - and is therefore complementary to efforts to recycle, re-use and reduce as much as possible.

The partner authorities anticipate that recycling rates will continue to improve in the region as new national and local policies are introduced. However, not everything can be recycled and even under the most ambitious future local recycling scenarios, there will still be a proportion of residual waste that will need to be treated through energy recovery to avoid sending it to landfill. The TV ERF will not impact upon the pursuit of this higher recycling performance – indeed this has been factored in when specifying the capacity of the new facility. For reference, the top ten best recycling local authorities in England all utilise energy recovery for the final treatment of their residual waste.

The contract duration of 29 years reflects the time required to construct the facility followed by a 25-year Services phase. At the end of the contract, the facility will revert to the ownership of the seven partner authorities, including Durham County Council.

The Chair put the following question from Mr Watson:

How will CO2 emissions from the plant be controlled given that TV ERF has failed to secure funding from the government under the sequencing process for carbon capture?

Councillor Mark Wilkes, Cabinet Portfolio Holder for Neighbourhoods and Climate Change thanked Ms Fotheringham for her question and provided the following response.

Durham County Council along with the other Tees Valley Energy Recovery Facility partner authorities has a legal duty to provide public sanitation services in their respective areas and this includes the safe collection, treatment and disposal of both residual and recyclable waste.

The Council does this in accordance with its waste strategy, aiming for the maximum levels of reuse and recycling possible with available equipment

and facilities. The council empties over a million bins a month from the two hundred and thirty thousand households of County Durham.

There will however, always be waste left over after recycling and the only viable and reliable means of treating this waste is through either landfill or energy recovery. Over the past decade, and in accordance with the waste hierarchy and our own waste strategy, Durham County Council has moved away from treating residual waste through landfill. It is the least preferred environmental option as even the most carefully managed landfill sites result in significant pollution. All of the partner authorities therefore have a shared goal of sending zero waste to landfill.

Landfill facilities not only present a long-term environmental risk that must be carefully managed, both during their operation and for several decades after the landfill ceases to accept waste, but also release substantial volumes of methane – a potent Greenhouse Gas. Methane is estimated to be 80 times more harmful to the atmosphere than CO₂.

In a hypothetical scenario whereby the TV ERF is not developed, the net result would be an increase in Carbon Dioxide Equivalent (CO₂Equ) emissions derived from the residual waste that is generated each year by the seven partner authorities, either as a result of the residual waste being treated through an older (and less efficient) energy recovery facility (if indeed, sufficient capacity actually existed) or by having to be disposed of via landfill (resulting in the largest increase in Carbon Dioxide Equivalent (CO₂Equ) emissions).

Local efforts in the future to improve recycling, re-use and waste prevention, as well as other factors such as population growth, have all been taken into account when setting the specification of the TV ERF over the lifetime of the facility. It has been designed with a capacity to treat approximately 450,000 tonnes of residual waste each year, which represents the volume of waste requiring treatment in the long term after all recycling has taken place, including the separate collection and recycling of food waste, which will be implemented in accordance with government policy over the next few years.

The carbon emissions associated with this vital waste treatment duty are very challenging to avoid completely, but carbon reduction will be supported by strategies to avoid waste, encourage re-use and reach higher recycling rates – particularly for plastics.

The Government's Resources and Waste Strategy promises major reforms to support local authorities in these goals, and in the county we maintain our efforts to improve the quality and volume of waste going for recycling by providing a robust twin bin solutions supported by education and

enforcement efforts to reduce contamination coming through our recycling bins.

Additionally, there are measures which will be technical solutions deployed within the TV ERF operation to support the reduction of carbon emissions. The Contractor will be required to produce a Carbon and Environmental Management Plan which will demonstrate how they will reduce carbon emissions from the operation year-on-year over the duration of the contract. This will be achieved primarily through increases to the efficiency of the plant; potential future heat-offtake and by consciously removing as much plastic as possible from the waste stream.

The TV ERF has been designed to be Carbon-Capture Ready, which will allow the facility to potentially be connected to the Northern Endurance Partnership (NEP) carbon capture and storage (CCS) infrastructure as part of the East Coast Cluster.

Unfortunately, following an announcement by DESNZ in March 2023, the TV ERF was not one of the three projects supported in this round.

Success through this process would have enabled the TV ERF to deploy carbon capture and storage technology from the outset – capturing carbon emissions from the plant and storing them in offshore storage as part of the East Coast Cluster. However, it is likely that future funding rounds will occur and, once built, the TV ERF will be well placed to apply again should the opportunity arise as it has been designed to be ‘carbon capture ready’.

The Department for Energy Security and Net Zero is due to publish details regarding the ‘Track 1 Expansion Process’ which will look to fill additional storage capacity in the East Coast Cluster and HyNet Cluster.

Whilst the seven partner authorities remain interested in carbon capture and storage for the TV ERF, having the ability to capture carbon emissions for utilisation or storage is not a condition that the TV ERF, or indeed any other UK energy recovery facility, must meet in order to operate.

The TV ERF is the best environmental and financial option for the Council to dispose of its residual waste and aligns with our carbon reduction aspirations and targets.

A copy of the questions and responses would be sent to the questioners and posted on the Council’s website.

On a point of order Councillor D Wood mentioned that the first question specifically asked for when the consultation period was and what the public responses were. Councillor Wood felt that the Cabinet Portfolio Holder for

Neighbourhoods and Climate Change had not answered either element of this question. He requested that this be recorded in the Minutes. The Cabinet Portfolio Holder for Neighbourhoods and Climate Change responded that he had explained consultation had taken place regarding the policy of waste for the Council under the previous administration and the planning applications which had subsequently been passed.

6 Petitions

There were no petitions for consideration.

7 Report from the Cabinet

The Council noted a report from the Cabinet which provided information on issues considered at its meetings held on 11 October, 1 November and 15 November 2023 (for copy see file of Minutes).

8 Mid-Year Review on Treasury Management for the period to 30 September 2023

The Council noted a report of the Corporate Director of Resources which provided information on the treasury management mid-year position for 2023/24, a summary of the Council's treasury position, borrowing activity, investment activity, treasury management and prudential indicators as at 30 September 2023 and an overview of activity during the first six months of 2023/24 (for copy see file of Minutes).

Councillor R Bell, Deputy Leader and Portfolio Holder for Finance thanked the Corporate Director and his team for the comprehensive update on the Council's treasury management activity during the first half of the financial year. It was pleasing to note that the Council had continued to fully comply with all the requirements of the treasury management policy and strategy agreed by Council in February 2023.

9 Director of Public Health Annual Report 2023

The Council received the 2023 Annual Report of the Director of Public Health for County Durham (for copy see file of Minutes).

The County Durham Director of Public Health Annual Report 2023 focused on the following:

- Foreword by the Director of Public Health.
- Health of our people.
- 10 years of public health in local authority.
- Collaboration, working together to improve lives.

Councillor C Hood, Cabinet Portfolio Holder for Adult and Health Services welcomed the independent annual report from the Director of Public Health.

This year's report reflected on 10 years of the public health function transferring from the NHS to the local authority. Moving into the local authority provided the environment for public health to advocate, influence and work with others responsible for issues including housing, education, and the economy which all had an impact on people's health. In addition, working with elected Members ensured that public health was focussed more on working with communities.

The Annual Report provided an update on the current health and wellbeing of County Durham residents and highlighted some in-depth work to understand the needs of veterans across County Durham. It also recognised some of the challenges faced over the last 10 years such as the response and recovery from the COVID-19 pandemic and the cost of living crisis and how this had impacted locally.

The Health and Wellbeing Board had overseen a range of work over the last 10 years including the integration of health and social care. The Annual Report provided an update on the Health and Wellbeing Board and the work undertaken against the four current key health priorities for County Durham which were making smoking history, enabling healthy weight for all, improving mental health resilience and wellbeing and reducing alcohol harm.

The report highlighted that smoking prevalence had decreased by 6.7%, which was a reduction of 26,700 smokers since 2013. However, at 14.5% County Durham's levels remained above the national average and there was a need to concentrate efforts in County Durham to have a smoke-free future for families. It also highlighted the strong links with social determinants of health with joint work between health and economy for an example.

There were still significant areas of challenge on relation to the health and wellbeing of residents including mental health. The Health and Wellbeing Board had mental health across the life course as a priority

Key programmes of work included school based mental health support, suicide prevention and campaigns including 'Now You're Talking', working with partners to improve mental health and tackle stigma and discrimination.

Councillor J Elmer referred to the health benefits from access to open space and informed Council that he was involved in two projects about access to open space and providing walking opportunities and registered his concern that both projects were under threat. The Director of Public Health replied that as the Physical Activity Strategy Action Plan was implemented, she would have a discussion with Councillor Elmer about the projects.

Councillor C Fletcher informed Council it was important for public health to work alongside and collaborate with all partners and having a holistic approach to health was essential. Councillor Fletcher asked how public health worked alongside housing associations. Councillor Fletcher also thanked the Director of Public Health for the continued support of the Help to Health volunteer driver scheme.

The Director of Public Health replied that public health worked closely with housing colleagues and was currently working with the Council on its housing and homelessness strategies. Housing colleagues were also engaged through key public health task groups.

Councillor L Hovvels referred to leisure facilities across the County and their part in keeping people healthy, fit and combatted social isolation which had not been mentioned.

The Director of Public Health replied that public health officers worked closely with colleagues in Culture, Sport and Tourism and had been undertaking health impact assessments to ensure benefits of leisure facilities were maximised.

Councillor A Bell, whilst welcoming the reduction in the number of smokers, asked whether the increased use of vapes was resulting in an increase in nicotine dependency. The Director of Public Health replied that the Government consultation on 'Stopping the Start' which looked at both increasing the age of sale for cigarettes also looked to tighten the legislation in relation to vaping. It was known from evidence that vaping, although not totally risk free, was much safer than smoking. For those who smoked, the ability to switch to and have access to vaping was very important. Whilst the number of children and young people smoking had reduced, the number vaping had increased, although this had not been reflected in an increase in smoking as yet.

Councillor M McKeon asked how a more mental health focus could be applied to the Obesity Strategy. The Director of Public Health replied that the Strategy had recently been refreshed and now had clear links between mental health and food choices.

Councillor A Batey referred to leisure facilities and the importance that everybody had access to leisure facilities no matter where they lived within the County. The Chief Executive replied that a report would be brought to Cabinet in the new year on the Leisure Transformation Programme.

Councillor D Hall referred to Alzheimer's and dementia which appeared to be a hidden problem, despite the scale, highlighted a need for a joined up

strategy across the Council, GP practices and the CCGs to address this issue. The Director of Public Health replied that Alzheimer's and dementia were both important issues. Under the Mental Health Strategic Partnership dementia was a key area. Commissioning colleagues were undertaking a needs assessment within local communities which would lead to a refresh of what the strategic approach would be.

Councillor F Tinsley referred to the differences in life expectancy for both men and women between affluent and deprived areas in County Durham. Looking at absolute life expectancy County Durham was approximately two years behind the UK average, which increased to four to five years for healthy life expectancy. Councillor Tinsley asked the Director of Public Health whether she agreed that life expectancy was not improving at a rate it should be and whether it could be argued, particularly over the last 10 to 13 years, the situation was getting worse.

The Director of Public Health replied that recently, up until the pandemic, life expectancy and healthy life expectancy had increased. What was now being witnessed was the stalling and impact of the pandemic. Focussing on those who needed the support most was a key part of the implementation plan which aimed to tackle both life expectancy and healthy life expectancy.

10 Request for Dispensation Under Section 85 (1) of the Local Government Act 1972

The Council considered a report of the Head of Legal and Democratic Services which requested approval for a dispensation for Councillor J Chaplow who was currently unable to attend any Council meetings due to ill-health (for copy see file of Minutes).

Moved by Councillor S Deinali, **Seconded** by Councillor R Adcock-Forster.

Resolved:

That the recommendation in the report be approved.

11 Motions on Notice

The Chair informed Council that there was one Motion for consideration.

Councillor C Hunt **Moved** the Motion as printed with the addition of the word 'legal' at the end of the second paragraph before the word 'vaping, so the Motion now read as follows:

Council welcomes the announcement from the Government on 4th October 2023 around a smokefree generation and the plans to stop a new generation of children and young people getting hooked on such a lethal addiction.

Council also welcomes the subsequent consultation “Stopping the start – a plan to create a Smokefree generation” which has questions around age of sale of tobacco, measures to reduce youth vaping, and enhanced enforcement. Council will continue to encourage smokers to try to quit including by an option of switching over to legal vaping.

This Council requests that the Director of Public Health, in consultation with the Cabinet Portfolio Holder for Adult and Health Services responds to the government’s consultation supporting the age of sale proposal for tobacco, and on vaping proposing that evidence based measures to tighten the promotion, packaging, branding, pricing of vapes to reduce appeal to children and young people are taken.

Council **agreed** to the inclusion of the additional word ‘legal’.

Seconded by Councillor Hood, Cabinet Portfolio Holder for Adult and Health Services.

Councillor L Hovvels thanked Councillor Hunt for bringing the Motion.

The Motion, as amended, was **Carried**.

12 Questions from Members

Councillor K Shaw

Can the Leader provide the council an update on the round 3 levelling up bids for County Durham and can the Leader provide council with the total costs for DCC in preparing bids for rounds 1,2 and 3

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

As I am sure Cllr Shaw is aware given the press coverage, all 5 remaining bids were unsuccessful in round 3. In total the council has spent £1.2 million preparing the bids, which, had we been successful, would have been approximately 1% of the funding received.

Government disclosed that they had changed the rules regarding the awarding of funding for round 2 bids after bids were submitted. Just to remind you, this change ruled out an authority from being successful in round 2 if they had received a successful round 1 bid, regardless of their scale of need. As a result of this, we wrote to government requesting reimbursement of our costs. The response we received to this request was that we could re-submit bids in round 3 on which further guidance would be provided.

Following the announcement of successful round 3 bids a few weeks ago, once again after the event, we discovered that the criteria had been changed yet again without anyone's knowledge. This time we understand that County Durham had been removed as a Priority 1 status area, therefore reducing the likelihood of any success.

I can confirm that as a result of being made aware of this, and there being no more bidding rounds, a further letter has been sent to Government requesting full reimbursement of the councils costs. I am more than happy to share a copy of that letter with members.

As a supplementary question Councillor Shaw asked given the Leader's disappointment would she agree with the Labour Group that the Council should take every possible step, including if necessary explore legal options, to get our communities money back from what has been a failed Conservative beauty pageant.

The Leader replied that the letter had been sent and had also confirmed that when the announcement was made

She and Councillor R Bell were both at the County Council Conference in Buckinghamshire where the Right Honourable Secretary of State was present and he was told in no uncertain terms by them personally what they thought of the whole procedure and how disappointed they were and had told him that the County Council would be challenging it.