

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 2 April 2014 at 10.00 am**

Present:

Councillor P Charlton in the Chair

Councillors E Adam, J Allen, J Alvey, B Armstrong, J Armstrong, A Batey, D Bell, E Bell, J Bell, R Bell, H Bennett, J Blakey, G Bleasdale, D Boyes, P Brookes, J Brown, C Carr, J Chaplow, J Charlton, J Clark, P Conway, K Corrigan, P Crathorne, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, N Foster, D Freeman, I Geldard, B Glass, B Graham, J Gray, O Gunn, S Guy, C Hampson, B Harrison, J Hart, K Henig, S Henig, J Hillary, M Hodgson, G Holland, A Hopgood, K Hopper, L Hovvels, E Huntington, I Jewell, O Johnson, C Kay, A Laing, P Lawton, J Lethbridge, H Liddle, R Lumsdon, J Maitland, C Marshall, L Marshall, N Martin, P McCourt, J Measor, O Milburn, B Moir, S Morrison, T Nearney, M Nicholls, H Nicholson, R Ormerod, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, J Robinson (Vice-Chairman), S Robinson, A Savory, K Shaw, A Shield, J Shuttleworth, M Simpson, T Smith, B Stephens, P Stradling, A Surtees, L Taylor, O Temple, R Todd, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, M Williams, A Willis, C Wilson, S Wilson, R Yorke, R Young and S Zair

Apologies for absence were received from Councillors B Alderson, L Armstrong, B Avery, A Bell, A Bonner, J Buckham, J Clare, J Cordon, S Forster, D Hall, D Hicks, S Iveson, J Lee, J Maslin, P May, E Murphy, A Napier, P Oliver, G Richardson, J Rowlandson, M Simmons, W Stelling, D Stoker, P Taylor and K Thompson

Death of former Councillor and Alderman William (Bill) Waters

Prior to the commencement of business, the Chairman of the Council formally reported the death of former Councillor and Alderman William (Bill) Waters. Bill had served on the former Sedgefield Borough Council from May 1976 to 2009 and was Chairman of the Borough Council in 1989-90. Bill had also made a significant contribution to the County Durham Association of Local Councils (previously the Durham Association of Parish and Town Councils) for over 35 years and had also served as a Spennymoor Town Councillor. The Council stood for a moments silence as a mark of respect.

Council of the Year Award

The Chairman informed that the Council had often been recognised for its best practice at awards ceremonies and for its excellent work in previous years, with 2014 being no different, as the County Council had been awarded the prestigious overall award for 'Council of the Year in the Local Government Chronicle Awards 2014'. The Chairman invited the Leader of the Council to the dais to accept the award. In presenting the award the Chairman explained that there had been a

record-breaking 640 entries submitted at this year's awards and the County Council had been a finalist in the categories of efficiency, energy efficiency and overall Council of the Year. In addition to this the Council had also been highly commended in the efficiency award for its work around waste management, recycling and refuse collection.

In achieving the Council of the Year Award judges had been impressed with the relationships developed with local businesses, the support provided for small and medium enterprises, progress made with community asset transfers, contributions made to the wider area and the considerable efforts made to engage with communities across County Durham.

The Chairman placed on record her thanks to all Councillors and Council employees for all their hard work and doing the best they could for residents and local communities.

In accepting the award, the Leader of Council explained that the award was probably the most prestigious award in local government and testimony to the hard work of so many people. The emphasis on Durham's submission had been on partnership working, economic focus and Durham's Year of Culture and the award had sealed a very successful first five years as a unitary authority, achieved against a backdrop of huge funding cuts, never seen before in local government. Councillor Henig expressed his delight at accepting the award on behalf of all the Council's staff, councillors and partners.

1 Minutes

The minutes of the meeting held on 26 February 2014 were confirmed by the Council as a correct record and signed by the Chairman.

2 Declarations of interest

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

3 Chairman's Announcements

Investing in Children Event

The Chairman informed the Council of an event being held at County Hall on Thursday 17th April from 2 p.m. till 4 p.m., which had been organised by young people to showcase their work by way of displays and presentations with Investing in Children. The Chairman encouraged Councillors to drop by the event if their diaries permitted.

Related Party Transactions

The Chairman informed the Council that accountants were currently preparing the statement of accounts for 2013/14 and, as in previous years, all Councillors would be required to complete their annual related party declaration, which recorded

details of interests of Councillors, their close family in respect of central government bodies, other local authorities, NHS bodies, public corporations and other entities. A declaration form and guidance notes had been circulated to all Councillors and the Chairman reminded the Council that the external auditor would expect a 100% response rate and requested that all Councillors complete and return their form by Tuesday 22 April.

4 Leader's Report

Prior to commencing his report the Leader of Council added his personal tribute to Councillor Bill Waters who had made a significant contribution in ensuring a stronger relationship between the County Council and Parish and Town Councils and would be sadly missed.

The Leader of the Council then provided his report to the Council, summarised as follows:

- The Leader had been attending Area Action Partnerships across County Durham to feedback on the budget consultation exercises held throughout the partnerships. Discussions had also been taking place regarding the way forward for the future and for assistance in moving forward and maintaining as many Council facilities as possible;
- the County Council had received the go-ahead from the government to proceed with proposals to transfer ownership of its housing stock following an application made last year. A ballot of all housing tenants would take place later in the year;
- arrangements for bringing the Combined Authority into being were expected to be in place over the next few weeks. Meetings would be held in public, in and around the region;
- discussions were taking place about the holding of collaborative "Borderlands" meetings which would be held to emphasise the importance of the North East's relationship with Scotland to discuss issues of mutual concern in light of the forthcoming Scottish referendum.

5 Questions from the Public

Three questions had been received from Mr Cunningham, briefly summarised as follows:

- i. Clarification on whether the Council would proceed with a planned £500,000 flood defence project designed to protect Newtown House care home facility at Stanhope, for which the future was currently undecided.
- ii. The loan proposal to Durham County Cricket Club and potential risks.

- iii. Possible discussions around changes to the public questions element of the Council's constitution.

Mr Cunningham was in attendance to ask his questions and received responses from Councillor Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships, Councillor Neil Foster, Cabinet Portfolio Holder for Economic Development and Regeneration and the Leader of the Council.

The Head of Legal and Democratic Services informed the Council that Mr Cunningham would receive a written response to his questions and both the questions and responses would be published on the Council's website.

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 the Cabinet at its meeting held on 19 March 2014 which included the County Durham Plan and Community Infrastructure Levy, Sustainable Community Strategy, School Admissions framework and garden waste consultation which would be free this year and incur charges from 2015.

Councillor Temple had submitted a question in advance to Councillor B Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships regarding the consultation on the review of garden waste services, specifically the consultation responses and any issues that had changed as a direct result of the consultation.

Councillor Stephens thanked Councillor Temple for submitting his question and explained that full details of the consultation responses were detailed in the Cabinet report.

The main point to change as a result of the consultation was the move to provide a discounted arrangement which would give residents the choice of paying £20 per year, or, £50 if they chose to sign up for three years. The report also confirmed that the Council would consider other incentives going forward and these would be considered in due course.

Councillor Stephens reminded the Council that there would be no charge this year and that the changes were only necessary as a result of the significant reductions in government grant which totalled £224m up to 2017. Councillor Stephens also informed Councillor Temple that the Council were continuing to work with Teesdale Conservation Volunteers, 'Rotters' in the Barnard Castle area, with whom the County Council had a good working relationship.

8 County Durham Plan and Community Infrastructure Levy Charging Schedule: Submission

The Council considered a report of the Corporate Director, Regeneration and Economic Development regarding the County Durham Plan, the comments received following the final statutory consultation on the Pre-Submission Draft version of the County Durham Plan and the next steps (for copy see file of Minutes).

The Corporate Director, Regeneration and Economic Development explained to the Council that the County Durham Plan sought to guide the future development of County Durham to improve the lives of its existing and future residents. It was a plan that looked to meet the differing needs of communities and set the policy framework up to 2030 to support the development of a thriving economy in County Durham, whilst at the same time protecting those things that were important. The plan identified a number of sites for new employment, new housing, new shopping and new infrastructure to accommodate the growth needed to achieve such ambitions.

Councillor N Foster, Cabinet Portfolio Holder for Economic Regeneration informed the Council that the County Durham Plan was a key document which set the economic future for County Durham and would demonstrate that County Durham was open for business. The next stage would be the examination of the document in public and commended the report to the Council.

An amendment was **Moved** by Councillor G Holland, **Seconded** by Councillor N Martin to item one, on page 40 on the schedule of minor additional amendments

“All such development will be required to incorporate high levels of sustainability, meeting zero carbon standards by including high level renewable/low carbon energy technologies”.

Councillor Holland felt that the minor adjustment to the paragraph in table one clearly set the agenda that should guide Council planners in the future and should be welcomed by all of those concerned by the impact of climate change and energy shortfall.

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

Councillor Martin felt that some recommendations in the report were being made by unknown groups citing the ‘1989 Trustees of Lord Durham voluntary settlement’ as an example and queried why such groups should make policy for the Council to follow.

Councillor Martin commented that he personally, could not support the plan and referred to the housing allocation at Merryoaks, which had previously been specifically excluded from housing allocation because of its location within greenbelt land.

However, prior to the final draft of the plan, the Persimmon Group had submitted a new traffic impact assessment for the development and as a result, there were now plans to build 250 homes on Merryoaks. Development of this type would place levels of burdon on part of the city and stated that the County Council should not develop on greenbelt land unless there was a specific reason to do so. Councillor Martin also expressed concern that, ultimately, developers had too much power. As a result Councillor Martin could not support the policy detailed in 4.185 of the document.

Councillor Foster commented that the County Council would listen to all sides and balance any concerns. Councillor Foster warned of the dangers of making specific requirements which could ultimately mean rejection of plan. Plans for new housing and buildings had to come forward which were viable. Councillor Foster clarified that he would be more than happy to encourage developers to build homes with high level renewable/low carbon energy technologies.

Moved by Councillor N Foster, **Seconded** by Councillor E Tomlinson and

Resolved

That the Council agree:

- i. the consultation feedback detailed in appendices 6a, 6b and 7;
- ii. the amendments identified in the 'Schedule of Minor (Additional) Modifications' to the Plan, Community Infrastructure Levy Draft Charging Schedule and the SPDs in Appendices 2, 3 and 8 and the Regulation 123 List set out in Paragraph 15 of the report;
- iii. the Memorandum of Understanding attached at Appendix 4;
- iv. that the County Durham Plan and the CIL Draft Charging Schedule, Regulation 123 List and associated documentation be submitted to the Secretary of State;
- v. that the Director of Regeneration and Economic Development be authorised, in consultation with the Portfolio Holder, Economic Regeneration to approve the submission of the documents required to be submitted alongside the Plan to the Secretary of State for consideration at public examination;
- vi. that discussions continue with key parties and suggest to the Inspector any edits and consequential changes necessary following Council approval up to and during the examination;
- vii. that the Director of Regeneration and Economic Development request that the Inspector appointed to hold the examination in public to recommend modifications to the County Durham Plan Submission Document under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 required to make it compliant with Section 20(5A) of the Act and sound.

9 **The Durham, Gateshead, Newcastle upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority**

The Council considered a report of the Corporate Director, Regeneration and Economic Development which advised the Council on the outcome of the consultation by the Secretary of State relating to the creation of a Combined Authority for the North East. The report also sought the appointment of Members to the Combined Authority (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that a revised report had been circulated to the Council. It was anticipated that the Combined Authority would be established by mid-April.

Councillor R Bell queried how the body would report back to the Council and also requested that agendas, minutes and reports of the Combined Authority meetings be provided on the County Council's website. The Head of Legal and Democratic Services confirmed that meetings of the Combined Authority would take place in public and it was intended that the agendas, minutes and reports would be placed on the County Council's website.

In response to a question from Councillor A Watson regarding those staff working on transport policies, the Head of Legal and Democratic Services explained that staff would remain with the relevant authorities for the foreseeable future and only functions would transfer. The Head of Legal and Democratic Services also reiterated to the Council that the risks identified throughout the culmination of the combined authority process had been mitigated by various clauses in the operating agreement.

The Chairman of the Council referred to the recommendations contained in the report and sought the Council's agreement to appoint the Leader as the Council's representative of the North East Leadership Board.

The appointment was **agreed**.

Councillor C Marshall then **Moved** the following appointments:

- Councillor A Napier as substitute member to the North East Leadership Board;
- Councillor N Foster (as the Cabinet Portfolio Holder with responsibility for Transport) and Councillor J Allen to the Transport North East Committee;
- Councillor J Armstrong and Councillor P Stradling as the representatives on the Overview and Scrutiny Committee; and
- Councillor E Bell to the Governance Committee.

The nominations were **Seconded** by Councillor A Laing.

Resolved

- (i) That the Council note the status of the order;
- (ii) That the following Members be appointed to the Combined Authority:

Councillor S Henig - North East Leadership Board
Councillor A Napier (substitute member to the North East Leadership Board)
Councillors J Armstrong and Councillor P Stradling - Overview and Scrutiny Committee
Councillor N Foster and Councillor J Allen - Transport North East Committee
Councillor E Bell - Governance Committee

10 Community Governance Review of Barnard Castle

The Council considered a report of the Head of Legal and Democratic Services which presented draft terms of reference, a consultation strategy and associated consultation documents for a community governance review of Barnard Castle and the surrounding area (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that the review had been requested by Barnard Castle Town Council who wished to extend their parish boundary. A period of pre-consultation had taken place with local stakeholders following. The Constitution Working Group had been minded not to proceed with the review given the concerns expressed through the pre-consultation process and agreed that the request would need to be supported by a petition for the review to go ahead.

Since that time a petition and justification for the review had been received from Barnard Castle Town Council and officers had considered the most suitable options for future governance arrangements in the area. Draft terms of reference and consultation documents had been prepared on that basis and had been agreed by the Constitution Working Group. The Head of Legal and Democratic Services informed the Council that there was a small drafting error in option one of the consultation document which stated that the area known as 'The Oval' was currently situated within the Barnard Castle Town Council boundary. However, the Oval was actually located within the boundary of Marwood Parish Council.

Moved by Councillor Henig, **Seconded** by Councillor R Bell and

Resolved

That the Council agree the amended consultation document, terms of reference and timetable for the review and commence public consultation in accordance with review timetable.

11 Changes to the Constitution - Council Procedure Rules

The Council considered a report of the Head of Legal and Democratic Services regarding a proposed amendment to the constitution which would ensure compliance with newly introduced legislation regarding the recording of votes taken at budget decision meetings (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that the regulations required local authorities to include a requirement within their standing

orders to record any votes on the budget decision making process meeting where a budget calculation was included as an item of business on the agenda.

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

Resolved

That the Council agree to the changes to Part 4, rule 16 regarding Council voting procedures.

12 Review of Petition Scheme

The Council considered a report of the Head of Legal and Democratic Services which sought approval of a revised petition scheme which, if approved would result in changes to the Council Procedure Rules and Overview and Scrutiny Procedure Rules (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that the review of the scheme had come about following a number of changes to statutory guidance and the repeal of legislation by the government.

In addition to this, there were elements of the current scheme that had not been used, or, were being used to a limited degree. The review had now been undertaken and a revised petition scheme was attached at Appendix 2 of the report for the Council's consideration.

Councillor Temple felt that the revised scheme was an erosion of the democratic process and for people who took the time and effort in obtaining a petition of considerable size would be disappointed that any form of robust debate on issues meaningful to them would not be able to take place.

Councillor Wilkes echoed those comments by Councillor Temple and felt that people should be given the opportunity to listen to a debate in the Council Chamber and queried why the Council were looking to cease debate, specifically when there was no obligation to do so.

The Head of Legal and Democratic Services advised that difficulties arose in the debating element of petitions at meetings of the Council where ongoing consultation was taking place and where the decision rested with the executive. Any debate on such issues could compromise the Council and leave it open to the risk of challenge.

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

Resolved

That the revised petition scheme detailed in Appendix 2 of the report and that the proposed amendments to the Constitution referred to in Appendix 3 of the report be approved.

13 Council Plan and Service Plans 2014 – 2017

The Council considered a report of the Assistant Chief Executive regarding the Council Plan 2014-17, which was the overarching high level plan for the Council and detailed the County Council's contribution towards achieving the objectives set out in the Sustainable Community Strategy together with its own change agenda (for copy see file of Minutes).

The Assistant Chief Executive informed the Council that it was important to be clear on its priorities at all times, but more so in the current financial climate. The plan timescale had been reduced to align with the Medium Term Financial Plan and an additional 'Altogether Better Council' theme had been developed.

Councillor Hopgood thanked the Assistant Chief Executive for the report and plan and looked forward to seeing the Council implement the Altogether Greener priority of maximising the value and benefits of Durham's natural environment.

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

Resolved

That the Council plan for 2014-2017 be agreed and that the Assistant Chief Executive be authorised to make any final amendments in consultation with the relevant Cabinet Portfolio Holder(s).

14 Sustainable Community Strategy

The Council considered a report of the Assistant Chief Executive which sought the approval of a renewed Sustainable Community Strategy for County Durham. The strategy was the overarching plan for County Durham which set out the Council's optimistic and ambitious vision for the future and also set the direction for the work of the County Durham Partnership (for copy see file of Minutes).

The main changes to the plan were as follows:

- inclusion of a brief explanation as to how the partnership has been developed;
- the wider networks now being operated within;
- greater emphasis in supporting communities; and
- the inclusion of more information on public health.

In response to questions from Councillors Martin and Wilkes regarding environmental standards for housing and achieving targets in these areas, the Leader of the Council commented that it was good for the Council to have targets and that Councillors had to look at the wider picture. The Leader of the Council highlighted that the Council had already been recognised for its excellent work in carbon reduction.

Councillor Foster explained that Council plans and policies on the issues raised were working and coming to fruition. Councillor Foster highlighted examples such as the new street lighting policy, the success of biomass boilers in schools and Killhope Lead Mining Museum, all schemes which would help contribute towards

the Council's target of reducing carbon emissions. Whilst the reduction in green deal was somewhat disappointing the Council were always looking at other ways of reducing its carbon footprint, such as the development of natural resources in relation to geothermal energy.

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

Resolved

That the Council endorse the renewed Sustainable Community Strategy detailed in Appendix 3 of the report.

15 Motions on Notice

There were no motions on notice.

16 Questions from Members

There were no questions from Members.