

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 17 June 2015 at 10.00 a.m.**

Present:

Councillor J Blakey in the Chair

Councillors E Adam, J Allen, J Alvey, B Armstrong, J Armstrong, L Armstrong, B Avery, A Batey, A Bell, D Bell, E Bell, J Bell, G Bleasdale, A Bonner, D Boyes, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Charlton, J Clark, P Conway, K Corrigan, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, D Freeman, I Geldard, B Glass, B Graham, J Gray, O Gunn, C Hampson, J Hart, T Henderson, S Henig, D Hicks, J Hillary, M Hodgson, G Holland, A Hopgood, K Hopper, L Hovvels, E Huntington, I Jewell, O Johnson, C Kay, B Kellett, J Lethbridge, J Lindsay, J Maitland, C Marshall, L Marshall, N Martin, J Maslin, P May, J Measor, B Moir, S Morrison, A Napier, M Nicholls, H Nicholson, A Patterson, M Plews, L Pounder, G Richardson, S Robinson, J Rowlandson, K Shaw, A Shield, M Simmons, H Smith, M Stanton, W Stelling, B Stephens, D Stoker, P Stradling, L Taylor, P Taylor, O Temple, F Tinsley, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, M Williams, A Willis, C Wilson, R Yorke, R Young and S Zair

Apologies for absence were received from Councillors R Bell, H Bennett, J Clare, J Cordon, P Crathorne, D Hall, K Henig, S Iveson, A Laing, P Lawton, J Lee, H Liddle, R Lumsdon, O Milburn, T Nearney, P Oliver, R Ormerod, T Pemberton, C Potts, J Robinson, A Savory, J Shuttleworth, M Simpson, T Smith, A Surtees, K Thompson and S Wilson

Prior to the commencement of the business, the Chairman of the Council formally reported the death of serving Councillor, recently elected Vice-Chairman of Durham County Council and former Easington District Councillor Robin Todd.

Robin was elected to Easington Rural District Council aged 23 years and had represented the South Hetton area as a Labour Party councillor ever since. In 1974 Robin served on District of Easington Council, where he became deputy leader and was vice chairman of Easington Primary Care Trust. He was Chairman of the council for 1976/77. He was awarded an MBE in 2006 for his services to local government, before he then went onto serve for another 9 years in local government. In 2008 he was elected to the new unitary authority for County Durham and was re-elected again in 2013.

Robin's contribution to local government and the community would never be forgotten.

The Council then stood for a moments silence as a mark of respect.

The Chairman then reminded Council that a thanksgiving service would be held for Councillor Robin Todd at 11.30 a.m., at County Hall. The service would be conducted by Reverend Robert Lawrence of St Cuthbert's Church, North End, and provided an opportunity for employees, councillors, neighbouring councils and representatives from other organisations, the opportunity to gather and give thanks for Robin's life.

1 To confirm the minutes of the meeting held on 20 May 2015

The minutes of the meeting held on 20 May 2015 were confirmed by the Council as a correct record and signed by the Chairman.

2 To receive any declarations of interest from Members

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

3 Chairman's Announcements

The Chairman gave a special mention to three Council employees and thanked them for their actions. While emptying bins in High Shincliffe, James Winter, John Hogg and Robbie Hurton saw Mr James Allen collapse outside of his home. James, John and Robbie provided first aid and comforted Mr Allen, who had suffered a stroke. Medics said that if they had arrived just eight minutes later, Mr Allen might not have survived.

The Chairman was pleased to announce the following people from County Durham who had been recently honoured by Her Majesty the Queen:

- Councillor Lucy Hovvels who received an MBE for public services;
- Former Durham County Councillor, Mr Bob Young from Consett who received an OBE for services to the community in County Durham;
- Mr Keith Johnson from Durham who received an MBE for services to the community and charity;
- Mr Roy Simpson from Peterlee who received an MBE for services to Education, Cricket and the community;
- Mr Frank Wilson from Durham who received an MBE for services to Festival Arts in the North East;
- Mrs Margaret Ruth Lowbridge from Durham who received an MBE for services to entrepreneurs and UK Business;
- Mrs Sally Aitchison from Durham who received an MBE for services to radio and charitable fundraising;
- Mrs Olga Daisy Bainbridge, JP from Shildon who received an BEM for services to the community in Shildon.

The Chairman also made special mention that Councillor Nigel Martin had served as a County Councillor for 30 years. The Council congratulated the Member on this milestone.

4 Leader's Report

The Leader provided an update to the Council as follows:

- Councillor Henig passed on his congratulations to those honoured by Her Majesty the Queen and in particular Councillor Hovvels and Bob Young for their work in communities;
- Following the general election the government had announced two policies in particular which were likely to impact on the Council, these being the ongoing programme of austerity and budget cuts and the discussions around devolution and the possible introduction of elected mayors for combined authority areas.
- The Chancellor was to make an emergency budget on 8 July, which would be the second budget in a matter of months. It was expected that this budget would announce further cuts to local government funding which in turn would lead to further deep cuts in local services. Following the emergency budget there may need to be special meetings of the Cabinet in late July to consider the likely impacts of the Chancellor's announcements.
- A Devolution Bill had been introduced into the House of Lords with a focus on the introduction of elected mayors for combined authority areas. The public must be involved in such a big change and consultation needed to take place. In a democracy power must flow from the people upwards, not be imposed upon the people from above. Additionally, potential responsibilities and funding to be devolved needed to be clearly set out and agreed by government.
- The Leader provided details of events he had attended, including the following
 - the unveiling of the new war memorial in Chester-le-Street;
 - the opening of the first phase of Freeman's Reach in Durham;
 - a reception at Auckland Castle to celebrate the history of Bishop Auckland Football Club;
 - Visit England awards which included several nominations and awards for County Durham attractions and organisations;
 - a regional reception for Historic England in Gateshead;
 - the Pearl Izumi cycle race in Durham;
 - he was to attend an event for the Friends of Darlington and Stockton railway which this year marked its 190th anniversary.

5 Questions from Area Action Partnerships

Questions had been received from the Three Towns Partnership AAP and East Durham AAP relating to the following:

- An update on and timescales for the development of the Queen Street site at Crook
- Continuation of Post Office services in Crook
- Opportunities for local employment through the development of the Queen Street site
- Opportunities for local employment from the extension to Dalton Park.

Sandy Denny, AAP Coordinator for the Three Towns Partnership was in attendance to ask their questions, and Rona Hardy from East Durham AAP was in attendance to ask their question.

Councillor N Foster, Portfolio Holder for Economic Regeneration thanked the Area Action Partnerships for their questions and provided responses to all questions. The Head of Legal and Democratic Services informed the Council that the questions, together with the responses would be placed on the Council's website and a copy of the responses would also be sent direct to the Area Action Partnerships.

6 Questions from the Public

One question had been received from a Member of the Public regarding the cost of cremations at Durham Crematorium. In the absence of the questioner, the Head of Legal and Democratic Services informed the Council that a copy of the question, together with the response would be placed on the Council's website and a copy of the response would also be sent direct to the questioner.

7 Petitions

There were no petitions for consideration.

8 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 15 April 2015 (for copy see file of Minutes).

Councillor O Temple submitted the following question:

I'm pleased to see that the Review of Hackney Carriage and Private Hire Licensing Policy is taking place, but I wonder whether the Portfolio Holder is aware that since new testing procedures were put in place, by April 19 out of 20 applicants had failed the new knowledge test and 17 out of 20 the Locality Test. Since applicants have to pass both tests that means that at least 19 out of 20 have been declined the opportunity of making a living by driving taxis in County Durham, a remarkable change from 13 out of 20 who were previously qualifying.

Would the Portfolio Holder agree with me that this is something that needs looking at urgently to ensure that the test itself is both valid and reliable, which are fundamental characteristics of proper assessment systems?

Can the Portfolio Holder also confirm to me that, as with other public assessments, and tests, appropriate accommodations are made within the testing regime for people with disabilities?

Councillor B Stephens, Portfolio Holder for Neighbourhoods and Local Partnerships thanked Councillor Temple for his question.

In December 2014 the Council updated its knowledge and locality test. It was felt by Members of the Licensing Committee and some people in the taxi trade that the tests were too easy which meant that some driver's knowledge was below standard. The revised tests had helped to improve standards to benefit and safeguard the travelling public.

In order to pass the locality part of the test, applicants required knowledge of the County's major roads and awareness of the location of important places or buildings. They also required a reasonable understanding of the most significant aspects of taxi licensing law, policy and the Highway Code. Locality questions covered the entire County as taxi licences allowed drivers to travel anywhere in the County. In order to ensure a fair balance of questions, papers were reviewed by officers and a spread of geographical questions were asked.

Suitable provision was made for candidates who may need help and support as a result of a disability. The building where the test took place was also DDA compliant. Officers were also in attendance and assisted any person who may have hearing difficulties or may require literacy support.

The requirements were set at the level which the Council considered necessary to ensure a good standard of service. An applicant who had carried out suitable and sufficient preparation should be able to pass the test.

The Council was not stopping people from gaining a taxi license but they had to be fit and proper to hold one.

Councillor Temple thanked Councillor Stephens for his reply and asked whether he was saying the Policy was not in need of urgent review. Councillor Stephens replied that the Policy was currently under review and any Member could provide feedback into the review process.

9 Community Governance Review of Pelton and Newfield

The Council considered a report of the Head of Legal and Democratic Services regarding the outcome of the consultation undertaken as part of the community governance review of Pelton and Newfield (for copy see file of Minutes).

Moved by Councillor S Henig, **Seconded** by Councillor C Carr

Resolved:

That the recommendation contained in the report be agreed.

10 Changes to the Constitution - Compliance with New Regulations for the dismissal of senior officers

The Council considered a report of the Head of Legal and Democratic Services which presented proposed amendments to the Constitution following the publication of new regulations regarding local authorities' procedures for disciplining and dismissing Senior Officers (for copy see file of Minutes).

Moved by Councillor S Henig, **Seconded** by Councillor A Napier

Resolved:

That the recommendation contained in the report be agreed.

11 Motions on Notice

Councillor Wilkes reminded Council that the atrocities of World War II revealed to the world what a government could do to its own people when there were no limits on state power. The Universal Declaration of Human Rights set down in stone the basic rights and freedoms we all had as human beings. It set the limits below which no state should go and helped formulate the European Convention on Human Rights. These were protections like the right to life, to liberty, freedom of expression, and the right to a fair trial. These human rights were not a privilege or within the gift of governments, but were the basic minimums every person should have, and which every government was responsible for upholding.

For a long time the only way people in this country could access these rights was to take their case to the European Court of Human Rights, after repeated appeals in the UK. The Human Rights Act allowed anyone to claim these rights in any UK Court and be heard by British judges. The Government wanted to scrap the Human Rights Act and replace it with a British Bill of Rights. The Government wanted to be able to set the level of human rights and demand that the role of the European Court of Human Rights be reduced to an advisory role.

In accordance with a Notice of Motion, it was **Moved** by Councillor M Wilkes, and **Seconded** by Councillor P Taylor:

The Human Rights Act enshrines a number of fundamental rights and freedoms that individuals can access. Council believes these fundamental rights and freedoms are crucial for a fair, free and democratic society and that everyone in County Durham and across UK is entitled to have these rights respected, even when we disagree with their beliefs or actions.

Council further notes that, at a time when we are honouring those who fought in the Second World War and the purpose for which so many lost their lives defending our liberty and freedoms, we reject the Government's proposal to repeal the Human Rights Act and withdraw from the European Court of Human Rights in Strasbourg.

Council therefore resolves to:-

- 1. Reject the intentions of the current Government to repeal the Human Rights Act and replace it with a bill of rights.*
- 2. To write to the Home Secretary and the Justice Secretary to express opposition to any attempt to repeal this Act.*

Upon a vote being taken, the Motion was **carried**.

12 Questions from Members

The Chairman informed Council that she had received three questions for the meeting. One question from Councillor Wilkes was received in the required timeframe. A late question from Councillor Hopgood had been received and the Chairman had agreed to it being accepted. An additional late question had been received from Councillor Temple, the content of which was largely covered in the question submitted by Councillor Hopgood and that which was not covered could be taken by his group leader to the Constitution Working Group for consideration.

Councillor M Wilkes

At this year's budget meeting Liberal Democrat councillors proposed bringing back loan funding for school repair and maintenance, along with proposals to provide direct funding from the County Council to improve our school buildings. Whilst this was voted down by Labour councillors, there was an indication from the Portfolio Holder that he was willing to look into this going forward.

The new Conservative government is likely to cut investment in school building below the levels seen during the Coalition government which provided funding of £140m.

This makes local Liberal Democrat proposals even more essential.

Whilst taking into account further budget pressures likely to come from the government in its July budget, could the portfolio holder confirm progress in this matter.

Councillor O Johnson, Cabinet Portfolio Holder for Children and Young People's Services thanked Councillor Wilkes for his question.

As it was pointed out when answering his original question in February during the MTFP and budget setting debate, Councillor Johnson found it interesting that the Liberal Democrats sought to blame the Conservative Government for cutting investment in Schools, the same Liberal Democrats who when in Coalition slashed the previous Labour Government's Building Schools for the Future Programme, which would have seen all of the County's secondary schools either rebuilt or brought up to a high standard by 2018, within weeks of coming into office.

It was shameful that the same Coalition Government also significantly reduced support for schools capitalised maintenance grants and basic needs capital grants. The Council was receiving £19 million in 2011/12 and in 2015/16 this would reduce to just over £7 million, a 63% reduction in funding.

The Government was, quite frankly, under-funding capital investment in schools and the situation was likely to get worse rather than better as a result of the General Election.

Like all single tier councils responsible for education, maintaining school buildings to the required standards was a big problem, but it was a problem that the Government should be doing more than they were to put matters right.

So just like the massive pressures the Council had on the capitalised maintenance and repairs for the Council's own buildings where it had to prioritise, the Council had to continue also to prioritise the limited funding it had available to repair school buildings.

Further to the previous response on this matter, Councillor Johnson confirmed that officers were currently working up the details of a new loans scheme for Cabinet to consider in the Autumn, with a view to the Council re-establishing a loans scheme for maintained schools to access later this year. The scheme would need to be financed and underwritten by the Council, unlike the previous scheme which was financed from retained schools balances.

Officers were currently working through the detail of the scheme to ensure that there were appropriate controls in place to manage the risks and that the legal implications, particularly with regards to the transfer of any outstanding loan obligation should a school with an outstanding loan move to an academy or merge with another school.

Details of the scheme would come forward in due course and it was anticipated that the scheme would be presented to the Schools Forum in October, where the Scheme of Financing for Schools would be amended to re-establish these provisions.

As Members were aware the Schools Forum was the statutory consultative body for matters in relation to Schools Finance and any amendments to the Scheme of Financing for Schools would need to be approved by the Forum.

Councillor Wilkes thanked Councillor Johnson for his reply. Councillor Wilkes informed Council that it had received £140m Capital Funding from government whereas the County Council had only put £2.5m into Capital Funding over a five-year period. There was currently a £64m backlog in school repairs, yet £689,000 was being spent on Seaham school which was set to be demolished. Councillor Wilkes emphasised the need for Capital Funding as well as the proposed loan scheme.

Councillor Johnson advised of the representations that he had made with central government, and that he would discuss the issues raised by Councillor Wilkes following the meeting.

Councillor Hopgood

The Judicial Review into the County Durham Plan has been stayed for one month which suggests very serious concerns with the application. County Durham residents, interested parties and County Councillors have long pointed out that there are serious concerns. All asked for further discussion but were ignored.

The Council refused to speak to all necessary parties and it now appears that DCLG has made exactly the same point.

- a. does the Leader now accept that the Council failed to hold constructive conversations with all parties; and
- b. can the Leader outline how the Council will now address the need to have constructive dialogue with all concerned

The Leader of the Council advised that Councillor N Foster, Cabinet Portfolio Holder for Economic Regeneration had provided regular briefings to members, and invited the portfolio holder to respond to the questions.

Councillor Foster had sent a note out on Monday to all Members to update them with regard to the Judicial Review. The 'stay' in Judicial Review proceedings was instigated at the request of DCLG. This request was to allow both parties to enter into dialogue to achieve a satisfactory outcome for all. As previously stated the Council had not wished to pursue a Judicial Review and had only done so reluctantly. The Council therefore welcomed this opportunity to resolve this issue in a constructive manner.

In answer to the specific points raised in the question, Councillor Foster did not accept that the Council had failed to undertake constructive conversations with all parties. Throughout the difficult period since the Interim Report was received the Council had a number of meetings with interested groups including the Liberal Democrat Group. Furthermore all the way through the preparation of the County Durham Plan significant consultation had been undertaken with internal and external stakeholders, including Members. When the Plan was back on track the Council would continue to have these conversations.