

DURHAM COUNTY COUNCIL

At a Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 9 December 2015 at 10.00 a.m.**

Present:

Councillor J Blakey in the Chair

Councillors E Adam, J Armstrong, B Avery, A Batey, A Bell, D Bell, E Bell (Vice-Chairman), J Bell, R Bell, H Bennett, G Bleasdale, A Bonner, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, P Crathorne, 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, K Henig, S Henig, D Hicks, J Hillary, M Hodgson, G Holland, A Hopgood, K Hopper, L Hovvells, E Huntington, S Iveson, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, H Liddle, J Lindsay, R Lumsdon, J Maitland, C Marshall, L Marshall, N Martin, J Maslin, P May, J Measor, O Milburn, B Moir, S Morrison, A Napier, T Nearney, H Nicholson, P Oliver, R Ormerod, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, G Richardson, S Robinson, J Rowlandson, A Savory, K Shaw, J Shuttleworth, H Smith, T Smith, W Stelling, B Stephens, D Stoker, P Stradling, A Surtees, L Taylor, O Temple, K Thompson, F Tinsley, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, M Williams, A Willis, C Wilson, R Young and S Zair

Apologies for absence were received from Councillors J Allen, J Alvey, B Armstrong, L Armstrong, D Boyes, J Charlton, K Corrigan, D Hall, C Kay, M Nicholls, J Robinson, A Shield, M Simmons, M Simpson, M Stanton, P Taylor, S Wilson and R Yorke

Prior to the commencement of business the Chairman formally report the deaths of:

- Dave Newell, a Community Culture Development Officer based in Neighbourhood Services. Dave was a great advocate of the arts with a strong belief in the difference they could make to some of the most challenged communities. Dave had also served as a Councillor on the former Sedgefield Borough Council for 10 years between 1999 and 2009, became the authority's youngest Mayor in 2002 and was made an Honorary Alderman in 2009.
- Graeme Adcock who worked in the stores section at the Council's Meadowfield Depot. Graeme, who was a popular member of staff with 27 years' service, was a keen golfer and enjoyed photography.

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

1 To confirm the minutes of the meeting held on 28 October 2015

The minutes of the meeting held on 28 October 2015 were confirmed by the Council as a correct record and signed by the Chairman.

Councillor Watson referred to Minute No. 12 and asked whether the investigation would include interviewing the claimant. The Chairman informed Councillor Watson that Council was being asked only to confirm the accuracy of the Minutes. Councillor Watson confirmed they were an accurate record of the meeting.

2 To receive any declarations of interest from Members

Following advice from the Head of Legal and Democratic Services in relation to the Motion listed under Item 12 on the Agenda, concerning the review of classroom based staff, declarations were made by Members. This Motion, however, was not considered at the meeting, in accordance with Council Procedure Rules.

3 Chairman's Announcements

The Chairman thanked all staff and Members who had taken part in the bake sale and raffle held outside the Chamber prior to the meeting.

The Chairman also expressed thanks for all the supportive messages she had received during a recent period of family illness.

Finally, the Chairman informed the Council that a Christmas jumper day would be held on Wednesday 16 December to help raise funds for the Nepal schools charity. The Chairman also hoped to visit some Service Departments on this day.

4 Leader's Report

The Leader of the Council provided an update to the Council as follows:

- The Leader thanked all staff who had worked on Friday and over the weekend to assist with situations arising from the inclement weather. The Leader also sent the thoughts of the Council to Cumbria which had suffered severe flooding following Storm Desmond.
- The Leader congratulated all those involved in the Lumiere Event held in Durham, which had attracted over 200,000 visitors. The event had received positive feedback and the Leader thanked Artichoke, staff and partner bodies. The display of the Tricolour on the Cathedral as tribute to the victims of the Paris terror attacks was particularly moving. A full report on the event would be made to a future Council meeting.
- The Chancellors Autumn Statement would result in local services bearing the brunt of cuts, with a headline funding cut of 56% for local authorities, on top of 40% of cuts in funding since 2010. The cuts had been criticised by both Lord Porter, the Conservative Chairman of the LGA and by Jon Trickett, Shadow Secretary of State for Communities and Local Government. Since 2010, County Durham had made cuts of £120m, which was twice the budgets of all the former District Council's, and this was set to double by 2020. A financial tsunami was facing council services.

Cabinet next week would be starting to consider cuts to more than 70 budget items, with more cuts to follow. The Council had operated sound financial management through its Resources team. As a result it was in a more robust position than other Councils, and it had adopted a managed approach to reduced service provision. Public consultation events would be held in Peterlee, Bishop Auckland and Durham to seek the priorities of the public, which previously had been the elderly, vulnerable young people and winter maintenance.

The Leader informed the Council that no guarantees about the future of services could be given and that come 2020 services from the Council would be unrecognisable from existing services.

The Leader wished all Members best wishes for Christmas and the New Year.

5 Questions from Area Action Partnerships

Questions had been received from the Bishop Auckland and Shildon Area Action Partnership, and the Weardale Area Action Partnership relating to the following:

- What the Council was doing to address the issue of suicides by children and young people and whether this work could be affected by the public health budget decisions within the Government's Comprehensive Spending Review
- What measures the Council planned to put in place to ensure those living in rural areas continued to have access to services.

Andrew Walker, Bishop Auckland and Shildon AAP Co-ordinator was in attendance to ask their question and Angela Maddison. Wear Valley AAP Co-ordinator was in attendance to ask their question.

Councillor Lucy Hovvels, Portfolio Holder for Adult and Health Services thanked the Bishop Auckland and Shildon AAP for their question and provided a response. Councillor Eddie Tomlinson, Portfolio Holder for Assets, Strategic Housing and Rural Issues thanked the Wear Valley AAP for their question and provided a response.

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

There were no questions from the public.

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 meetings held on 21 October and 18 November 2015 (for copy see file of Minutes).

Councillor C Marshall referred to the decision of Cabinet to move the DLI Museum to the heart of the City and asked what was being done to ensure that the heritage of the regiment continued to be honoured.

Councillor N Foster, Cabinet Portfolio Holder for Economic Regeneration informed Council that a Motion in respect of this had been received for today's meeting and that the Head of Legal and Democratic Services would be providing advice on the validity and scope of the Motion.

Councillor N Foster informed Council that in adopting the report the Cabinet recognised the heritage of the DLI regiment must not only be maintained and preserved for future generations, but honoured as widely as possible.

Cabinet also recognised, as a city containing a World Heritage Site, that it was also important to provide an excellent cultural offer, both for the benefit of the County's own residents and the many thousands of tourists who came to visit the County each year.

However, it also needed to be recognised that what the Council had done before may no longer be appropriate or sustainable, and the Council must therefore look for opportunities for how it could make the most of what it had.

In consultation with the DLI Trustees, whose role was to do what was best for the collection, and in partnership with Durham University, the Council had sought to find a new way of telling the DLI story, a way that would take it to the heart of the World Heritage Site, with its more than 600,000 visitors a year, and give it the far greater audience it rightly deserved.

In addition the Council had been working with Army Museums Ogilby Trust, the recognised authority in this area.

Meetings had already been held with many of those who had strong views on the future of the museum and the Council welcomed the opportunity to meet others in order that this could help shape the future of the collection and how the many important artefacts it contained could be exhibited.

The Council understood there had been significant public concern about the proposed changes, particularly with the idea that the Council was seeking to lock much of the collection away from public view, but that was simply not true.

The Council, as one of the few local authorities which still funded a regimental museum, was committed to multiple exhibitions over the next five years to showcase much of what was currently on display, as well as many items, photos and stories which weren't.

At the same time the Council wanted to provide a new more suitable home for those items not included in exhibitions, with a publicly accessible research facility at Spennymoor at which curators, conservators and volunteers would be able to study and work on items.

Both of those were longer term commitments to the DLI. Work was well underway on an exciting programme of events for 2016 that further explore and commemorate the role of Durham men and women at war.

The Council was very aware of the importance of the DLI both to the history and people of the county and beyond. Plans which were being developed with the input of many would offer both a fitting tribute to those who served with the regiment, and ensure the continuation of the collection for many years to come.

The Head of Legal and Democratic Services advised Council that the Motion submitted by Councillor Wilkes sought the Council to agree to delay a decision made by Cabinet, which was an Executive function. As such Councillor Wilkes had agreed to amend his Motion to seek Cabinet to delay the decision.

9 North East Combined Authority Devolution Deal: A poll for County Durham

The Council considered a report of the Leader of the Council which sought agreement to the funding of a consultative poll in relation to the proposed devolution deal with the North East Combined Authority (for copy see file of Minutes).

A supplementary Appendix 2 was circulated to Members which provided further details regarding the methodology for conducting the poll, the timeline, the cost and the poll questions.

Councillor R Bell expressed disappointment that the Appendix 2 document had not been emailed to all Members when it became available and asked what briefings the Labour Group had on the proposed poll questions prior to today's meeting. The report and appendix omitted to outline what the options would be for County Durham if the devolution deal went ahead without the County being part of it. Referring to the powers of the Elected Mayor, Appendix 2 stated that these were not yet clear, yet the Government was clear that it wanted powerful Elected Regional Mayors.

Councillor Henig replied that the questions and wording for the proposed poll had been prepared by Durham University and had only been available this week. Councillor Henig informed Councillor Bell that he would have provided a briefing to any political group and apologised that the Appendix 2 had not been circulated by email. It was unknown what the options might be for the County should it not be part of the devolution deal and it was not right to speculate on this.

In preparing the poll questions and background information the University had attempted to demonstrate that some aspects of the devolution deal were fluid. The Bill for devolution had not yet been passed in Parliament and amendments to it had

been tabled as recently as Monday of this week. The Council could only put before the electorate what was currently known and the results of the poll would be discussed once these were known. If there was a negative result for the devolution deal, options would need to be considered.

While it was clear that an Elected Mayor was part of the devolution deal, it was not clear cut that this would be a powerful Elected Regional Mayor. Discussions were ongoing regarding voting arrangements around the Mayor and other areas of the country were still considering this.

Councillor Shuttleworth suggested that the poll question should have been a simple yes/no answer and asked whether the poll would be binding on the Council.

Councillor Henig replied that only full Council or Cabinet had the legal power to decide on the devolution deal. The poll was not a referendum, but even if it was, only Council or Cabinet could make the decision. The Head of Legal and Democratic Services added that in legislation, apart from certain areas where a referendum could be conducted, the result of the poll was not binding on the Council.

10 Mid-Year Report for the Period to 30 September 2015 on Treasury Management Service

The Council considered a report of the Corporate Director, Resources regarding the mid-year position on the treasury management service to 30 September 2015 (for copy see file of Minutes).

The Corporate Director, Resources informed the Council that the report also included a forward looking annual treasury strategy and backward looking performance against the previous strategy as well as incorporating the needs of the 'Prudential Code', which was regarded as best operational practice.

An update was also provided to the Council in relation to the recovery position regarding deposits made to Icelandic Banks which collapsed in 2008. The Council had recovered £7.036m against the original £7m deposited and it was recommended that this matter could now be closed.

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

Resolved

- (i) That the mid-year treasury management position for 2015/16 be noted; and
- (ii) That the Council agree no further reporting was required on the Icelandic Bank Deposit on the basis that the full £7m had been recovered.

11 Audit Committee Progress Report for the period February 2015 to September 2015

The Council noted a report from the Audit Committee which detailed the work undertaken by the Committee during the period February to September 2015 (for copy see file of Minutes).

Councillor E Bell, Chairman of the Audit Committee, reported as follows:

The Committee had experienced a small change during the year with three Members leaving the committee and three Members joining. The Committee welcomed Councillors John Robinson, Joanne Carr and Mark Davinson and placed on record its thanks to Councillors Jed Hillary, Sonia Forster and Tracie Smith for their work over the past two years and the valuable contribution they brought to the Committee.

There were three key areas of the Committee's work in this period that Councillor Bell drew attention to:

Annual Internal Audit Plan

In June the Committee agreed a revised version of the Internal Audit, Strategy, Charter and Annual Plan from the Chief Internal Auditor and Corporate Fraud Manager.

The Committee challenged and supported the work that was proposed and agreed the work programme for the coming year.

The work completed by Internal Audit continued to provide assurance to the Committee that the Council's control environment, governance arrangements and management of its risks was sound.

Internal Audit continued to update the Committee on a quarterly basis. The Committee provided the appropriate challenge and a number of officers had attended to provide explanations and answer questions.

The Statement of Accounts

In September the Committee received the audit completion letters from the external auditor, Mazars. This was the third financial year Mazars had completed an external audit on the Council's Financial Statements, the Pension Fund's Financial Statements and an assessment of the Council's Value for Money arrangements.

It was very pleasing to receive an unqualified opinion again on both sets of financial statements for the County Council and the Pension Fund.

The continuing good work of the Council's Corporate Fraud Team

The Chief Internal Auditor and Corporate Fraud Manager had updated the Audit Committee on the work being completed in terms of proactive counter fraud work.

In particular the work completed in accordance with the National Fraud Initiative around Single Person Discount eligibility, which when it was completed returned the Council around £320,000 and ensured that people use the process fairly and correctly.

The report also demonstrated activity that was being completed across the Council in order to deter fraud from occurring at the outset and that prevention was indeed better than cure.

12 Motions on Notice

Councillor N Martin **Moved** suspension of Standing Order 11.6 to allow all Motions submitted to Council to be considered and informed Council that if this was to be opposed, he would be seeking a named vote in accordance with Standing Order 16.4. This was **Seconded** by Councillor D Stoker.

Councillor C Marshall opposed the suspension of Standing Order 11.6, which was in the Constitution as agreed by Council.

In accordance with Standing Order 16.4 Councillor Martin sought a named vote on the suspension of Standing Order 11.6. The requirements were met.

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

For the Motion:

Councillors A Bell, R Bell, D Freeman, T Henderson, D Hicks, G Holland, A Hopgood, N Martin, J Maslin, P May, P Oliver, R Ormerod, G Richardson, S Robinson, J Rowlandson, A Savory, J Shuttleworth, W Stelling, D Stoker, O Temple, K Thompson, A Watson, M Wilkes, A Willis, R Young and S Zair.

Against the Motion

Councillors E Adam, J Armstrong, B Avery, A Batey, D Bell, E Bell, J Bell, H Bennett, J Blakey, G Bleasdale, A Bonner, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Clare, J Clark, P Conway, J Cordon, P Crathorne, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, S Forster, N Foster, I Geldard, B Glass, B Graham, J Gray, O Gunn, C Hampson, J Hart, K Henig, S Henig, J Hillary, M Hodgson, K Hopper, L Hovvels, E Huntington, S Iveson, I Jewell, O Johnson, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, H Liddle, J Lindsay, A Liversidge, R Lumsdon, J Maitland, C Marshall, L Marshall, J Measor, O Milburn, B Moir, S Morrison, A Napier, T Nearney, H Nicholson, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, K Shaw, H Smith, T Smith, B Stephens, P Stradling, A Surtees, L Taylor, F Tinsley, E Tomlinson, J Turnbull, A Turner, A M Williams and C Wilson.

In accordance with a Notice of Motion, it was **Moved** by Councillor J Brown and **Seconded** by Councillor K Shaw:

Council believes:

- *The right to strike and protest are fundamental rights which should be respected in a free and democratic society;*

- *The Conservative government's bill will undermine constructive employment relations across County Durham and that harmonious industrial relations are achieved by meaningful engagement and not additional legal restrictions to trade union members;*
- *The government's Trade Union Bill is part of a disturbing trend to erode civil liberties and inhibit the right to speak out or protest against the government;*
- *The Conservative government's Trade Union Bill is a politically-motivated attack on trade unions and could have negative consequences for working people across Country and in society.*

Council resolves:

- *To write to the Secretary of State for Business, Innovation and Skills stating the council's opposition to their Trade Union Bill and to participate in any consultations;*
- *Support the Northern TUC and civil liberties groups in campaigning to defend the right to strike and oppose the Trade Union Bill;*
- *Continue to value the importance of meaningful workforce engagement and representation through trade unions in County Durham.*

Councillor Martin **Moved** that under Standing Order 13.10 the Motion be put. This was **Seconded** by Councillor D Stoker.

Councillor C Marshall responded that there were number of people in the queue wishing to speak on the Motion. Councillor Glass added that it would be an appalling breach of the Constitution if Councillor Brown's Motion was not debated.

Upon a vote being taken Councillor Martin's Motion was **lost**.

Councillors Maitland, Geldard, Surtees, Gunn, Conway, Davinson and Napier all spoke in favour of Councillor Brown's Motion. Councillor R Bell, while not supporting the introduction of agency staff during strike action, informed the Council that he could not support the motion because the Trade Union Bill contained many positive aspects.

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

The Chairman informed Council that the time limit for debating Motions had expired and that the two Motions on the agenda which had not been considered could be brought to the next meeting.

13 Questions from Members

There were no questions from Members.