

## **DURHAM COUNTY COUNCIL**

At an Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 13 April 2016 at 10.00 a.m.**

**Present:**

**Councillor J Blakey in the Chair.**

Councillors E Adam, J Allen, J Alvey, B Armstrong, J Armstrong, B Avery, A Batey, D Bell, E Bell (Vice-Chairman), J Bell, R Bell, A Bonner, D Boyes, P Brookes, J Brown, J Carr, J Clare, J Clark, P Conway, J Cordon, K Corrigan, P Crathorne, R Crute, K Davidson, M Davinson, K Dearden, M Dixon, N Foster, I Geldard, B Glass, B Graham, J Gray, O Gunn, C Hampson, J Hart, T Henderson, K Henig, S Henig, G Holland, A Hopgood, L Hovvels, E Huntington, S Iveson, I Jewell, O Johnson, C Kay, B Kellett, A Laing, P Lawton, J Lee, J Lethbridge, J Lindsay, A Liversidge, 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, M Nicholls, H Nicholson, A Patterson, T Pemberton, M Plews, C Potts, L Pounder, A Savory, J Shuttleworth, M Stanton, B Stephens, D Stoker, A Surtees, L Taylor, P Taylor, O Temple, F Tinsley, E Tomlinson, J Turnbull, A Turner, A Watson, M Wilkes, A Willis, C Wilson, S Wilson, R Young and S Zair

Apologies for absence were received from Councillors L Armstrong, A Bell, H Bennett, G Bleasdale, C Carr, J Chaplow, J Charlton, S Forster, D Freeman, D Hall, D Hicks, J Hillary, M Hodgson, K Hopper, H Little, P Oliver, R Ormerod, G Richardson, J Robinson, S Robinson, J Rowlandson, K Shaw, A Shield, M Simmons, M Simpson, H Smith, T Smith, W Stelling, P Stradling, K Thompson, M Williams and R Yorke

Prior to the commencement of the meeting the Chairman of the Council formally reported the death of

- former Councillor, Chairman of the County Council and Alderman Joseph Walker who represented the Burnopfield and Dipton Electoral Division for 16 years from 1985 to 2001 and was Chairman of the Council between 1995 and 1997;
- former Durham County Councillor, Derwentside District Councillor and Alderman Derek Hume who represented the Benfieldside Electoral Division on the County Council between 1985 to 1989 and the Benfieldside Ward on the District Council for 26 years from 1983;
- former Wear Valley District Councillor Walter Jones who lived in Bishop Auckland and died on 2 April;
- Lord Barnard, former Lord Lieutenant of County Durham who died on 3 April;
- former Councillor, Alderman and one-time Leader of Durham County Council, Don Robson, who served on the County Council for 20 years from 1981 to 2001 and 9 years on the former Council from 1965 to 1974. Councillor Robson represented the Leadgate and Medomsley Electoral Division and was Leader of the Council from 1989 to 2001. Don was awarded a CBE in 1997 for services to Local Government.

Councillors Henig, Martin. R Bell and Shuttleworth all paid tribute to Don Robson for his service to the Council and his achievements while Leader of the Council.

## **1 Minutes**

The minutes of the meeting held on 24 February 2016 were confirmed by the Council as a correct record and signed by the Chairman.

## **2 Declarations of Interest**

Councillors S Henig and L Marshall declared a non-pecuniary interest in Agenda Item No. 9 as Members of Pelton Fell Community Partnership.

Councillor J Hart declared an interest in Agenda Item No 10 as he had a contract to provide professional services to a sales and lettings business.

## **3 Chairman's Announcements**

The Chairman was pleased to announce that two members of staff from County Durham Youth Offending Service had received a prestigious national award for their innovative work.

Practice improvement officer Sarah Caden and speech and language therapist Susan Stewart had been given a Butler Trust Award for 2015/16. The award was for their "outstanding dedication, skill and creativity" in transforming the service's approach to young people's communication needs. They were both presented with their accolade by the Trust's patron, HRH The Princess Royal on 10 March.

Sarah and Susan's achievement was all the more outstanding given that the award was just one of ten Butler Trust awards handed out to staff working in prisons, probation and youth justice services across the UK this year, following over 300 nominations.

Lord McNally, Chairman of the Youth Justice Board for England and Wales, attended the award ceremony and praised the work of the Durham duo and remarked on the tremendous work they had done in improving the service's approach to young people's speech, language and communication needs.

The Chairman invited Sarah and Susan to receive the award and asked the Council to place on record its congratulations to Sarah and Susan on receiving the award and for their hard work, professionalism and dedication to the County Durham Youth Offending Service

### **Resolved:**

That the Council place on record its congratulations on the receipt of the award.

The Chairman extended a warm welcome to children from Timothy Hackworth Primary School, Prince Bishops Community Primary School and St. Wilfred's RCVA Primary School who were at County Hall. They have been engaged in the Bowes

Museum's 'Start' arts programme which had seen the Museum work with 330 children aged 7-11 from six County Durham primary schools. All the schools were in close proximity to the Museum and had little or no engagement with the Museum in the past. The children had worked with the Museum's education team and a professional artist, both in the Museum and back in school in special interactive workshops, sketching, designing, printing, stitching and using collage to create their unique designs. They then created a collective quilt made up of designs created by each child involved in the project which had been on display in the Durham Room over the last couple of days.

#### **4 Leader's Report**

The Leader of the Council was pleased to report that Durham and Lincolnshire had been announced as the two top performing highways authorities in the country. Roads Minister Andrew Jones M.P. had urged other authorities to look closely at how Durham and Lincolnshire were running such an efficient operation. The Leader congratulated officers and Councillor Stephens as Cabinet Portfolio holder on this achievement.

The Leader of the Council reported that the Council's latest Performance Management Report had shown the following:

- There had been a 12% increase in visitor numbers to major attractions in the County, including Beamish Museum, Bowes Museum and Palace Green;
- There had been an increase of 14% in usage of the Park and Ride service;
- Anti-social behaviour levels were decreasing;
- Good levels of street and environmental cleanliness were continuing;
- 93% of telephone calls to the Council were answered within three minutes;
- 95% of invoices were paid within 30 days.

The Leader informed Council that the majority of the Council's performance was positive despite cuts of some £150m since 2011 and thanked staff and partnerships for their achievements.

#### **5 Questions from Area Action Partnerships**

Questions had been received from the 3 Towns Area Action Partnership and the East Durham Area Action Partnership relating to the following:

- What current and future community safety initiatives and campaigns the Council and partners had planned to tackle speeding vehicles, reduce accidents and increase public confidence.
- Measures being taken by the Council to prepare for the impact of Government cuts to Welfare and Public Spending budgets on the most vulnerable in communities.

Sandy Denney, 3 Towns AAP Coordinator was in attendance to ask their question and Malcolm Fellow, Vice-Chair of the East Durham AAP was in attendance to ask their question.

Councillor J Allen, Portfolio Holder for Safer Communities thanked the 3 Towns AAP for their question and provided a response. Councillor J Brown, Portfolio

Holder for Corporate Services thanked the East Durham 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 to the Area Action Partnerships.

## **6 Questions from the Public**

Two questions had been received from Members of the Public regarding the County Durham Plan. In the absence of the questioners, the Head of Legal and Democratic Services informed the Council that a copy of 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 questioners.

## **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 16 and 23 March 2016 (for copy see file of Minutes).

Councillor Henig informed the Council that Cabinet on 23 March had resolved to defer making a final decision on proposed devolution agreement until outstanding issues were resolved. He had met with the Leaders of the Council's three main opposition Groups to inform them of the situation and would be happy to meet with any Members to discuss the issue.

## **9 Council Plan and Service Plans 2016-2019**

The Council considered a report of the Assistant Chief Executive which sought approval of the Council Plan 2016-2019 (for copy see file of Minutes).

In response to a question from Councillor Watson regarding a specific renewable energy strategy the Assistant Chief Executive replied that she would provide feedback to Councillor Watson following the meeting.

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

**Resolved:**

That the recommendation contained in the report be approved.

## **10 Houses in Multiple Occupation Article 4 and Interim Student Accommodation Policy**

The Council considered a report of the Corporate Director, Regeneration and Economic Development regarding the Article 4 Direction for Durham City made on

17 September confirmed through delegated powers, the making of a new Article 4 Direction to cover Framwellgate Moor, Pity Me and Newton Hall and the adoption of an Interim Policy on Student Accommodation (for copy see file of Minutes).

In **moving** the report Councillor N Foster, Portfolio Holder for Economic Regeneration informed Council that the issue was how best to accommodate the student population of Durham and this had been a key issue for Durham for a long time. Students were very important to Durham as was the need to maintain sustainable communities.

In **seconding** the report Councillor Tomlinson, Portfolio Holder for Assets, Strategic Housing and Rural Issues informed Council that the Article 4 Direction and Interim Student Accommodation Policy would provide a mechanism for the number of students in Houses of Multiple Occupation (HMO) and the quality of accommodation.

Councillors Hopgood and Wilkes thanked officers for responding to consultation by extending the Article 4 Direction to cover the Framwellgate Moor, Pity Me and Newton Hall areas and thanked the Portfolio Holder for taking the matter to consultation.

Councillor Martin, while welcoming the report, informed Council that many houses in Durham had already been converted into HMOs and that planning approvals had been granted for up to 4,000 Purpose Built Student Accommodation beds because no policy had been in place.

Councillor Foster thanked Councillors Hopgood and Wilkes for their support. The vast majority of HMOs in Durham pre-dated the Council. The Council was governed by the NPPF when determining planning applications, which presented a bias in favour of development, and where the Council had refused applications these refusals had been overturned on appeal by the developers.

**Resolved:**

That the recommendations contained in the report be approved.

**11 Community Governance Review - Pelton Fell**

The Council considered a report of the Head of Legal and Democratic Services which advised of the outcome of the second consultation as part of the Community Governance Review of Pelton Fell (for copy see file of Minutes).

In **Moving** the report, Councillor A Napier, Portfolio Holder for Finance informed the Council that the consultation response had been discussed by the Constitution Working Group but the recommendation had not received cross-party support. Although 133 responses had not been accepted by the Monitoring Officer, and details of this were given in the report, the Council should not lose sight of the work undertaken by the Pelton Fell Community Partnership in promoting a Community Council for Pelton Fell. It was incumbent on Councils to promote democracy, and the cost of approximately £1,000 to re-run the consultation was worth paying to achieve this.

Councillor C Marshall **Seconded** approval of the report.

Councillor Martin informed Council that to re-run the consultation in the same way as previously was not the best way to undertake the exercise. A formal referendum, which would cost no more than the consultation exercise, should be undertaken. This was the best way forward for this case and should be considered as an option for future Community Governance Reviews. Councillor Martin **Moved** an amendment to the recommendation in the report to remove the words '*as set out in paragraphs 25 and 26*' and replace these with '*by means of a formal referendum of voters*' at recommendation (i) and to remove recommendation (ii) completely.

Councillor O Temple **Seconded** the amendment. He informed the Council that he had read the report with some alarm, with both the Pelton Fell Community Partnership complaining about the decision to not consider some of the returns and one local elector believing there had been some impropriety. There was a reputational risk to the Council if the consultation was re-run in the same format.

Councillor C Marshall informed Council that the amendment was a major deviation from the parameters in the report and the review, and any policy changes such as this should be considered by the Constitution Working Group. Councillor Napier added that each household would receive a consultation document as part of the re-run consultation.

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

Upon a further vote being taken, It was

**Resolved:**

That the recommendations contained in the report be approved..

**12 Updated Local Code of Corporate Governance**

The Council considered a report of the Corporate Director of Resources regarding the inclusion of the updated Local Code of Corporate Governance in the revised Council Constitution (for copy see file of Minutes).

**Moved** by Councillor J Brown, **Seconded** by Councillor A Laing and

**Resolved:**

That the recommendation contained in the report be approved.

**13 Review of the Council's Hackney Carriage and Private Hire Licensing Policy**

The Council considered a report of the Interim Corporate Director of Neighbourhood Services regarding the adoption of a revised Hackney Carriage and Private Hire License Licensing Policy based on recommendations of the General Licensing and Registration Committee following a public consultation exercise (for copy see file of Minutes).

The Interim Corporate Director of Neighbourhood Services informed Council that paragraph 2.4 at Appendix 3 which referred to the recalibration of taxi meters should be removed as this was not practicable.

**Moved** by Councillor L Marshall, **Seconded** by Councillor J Maitland and

**Resolved:**

That the recommendation contained in the report, amended in accordance with the comments made by the Interim Corporate Director, be approved.

**14 Motions on Notice**

In accordance with a Notice of Motion it was **Moved** by Councillor Holland, **Seconded** by Councillor Hopgood

*This Council recognises the benefits that County Durham receives from being a member of the EU.*

Councillor F Tinsley **Moved** the following amendment to the Motion, **Seconded** by Councillor O Gunn:

*This Council recognises the benefits that County Durham receives from being a member of the EU, bringing social, economic and environmental benefits to our sub region.*

*Within County Durham residents gain from employment and social protections including guaranteed maximum working hours, minimum holiday entitlements, health and safety at work protections, maternity leave rights, anti-discrimination and agency workers' rights. These are directly derived from European Directives. In this county many thousands of jobs are provided by businesses which benefit from reduced barriers to trade resulting from UK membership of the European Union.*

*County Durham is a net benefactor of EU funding and will receive over €170 million of direct European Union funding over the period 2014-2020. While supporting continued membership of the European Union, we support reform of its institutions which will increase democratic accountability and transparency. This should be pursued in accordance with the principle of subsidiarity, meaning that decisions are made as close as possible to those affected by such decisions.*

Councillor Holland informed the Council that because the Amendment reflected his Motion he was willing to accept the Amendment as the Substantive Motion.

Upon a vote being taken it was

**Resolved:**

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## **15 Questions from Members**

### **Councillor A Watson**

This Council agreed last October that the respective Cabinet Portfolio Holder instigate an inquiry with a report to full Council setting out answers to how a recent Employment Tribunal compensation award payable to a School Teacher which escalated from originally £59,321 in 2008 to an estimated £1.5m was allowed to happen, how this occurred and the lessons learned from it. Is this report imminent and has this inquiry involved an interview with the successful Claimant?

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

The Councils Internal Audit Service was carrying out an independent inquiry and their work was well under way. Position statements had been gathered from officers in all the Services involved, including Human Resources, Legal Services and School and Governor Support.

The inquiry should be completed in time for a report to be brought to Council in June 2016.