

DURHAM COUNTY COUNCIL

At an Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 7 December 2016 at 10.00 a.m.**

Present:

Councillor E Bell in the Chair

Councillors E Adam, J Allen, J Alvey, B Armstrong, J Armstrong, B Avery, A Batey, A Bell, D Bell, J Bell, R Bell, H Bennett, J Blakey, G Bleasdale, D Boyes, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Charlton, J Clare, P Conway, P Crathorne, K Davidson, M Davinson, M Dixon (Vice-Chairman), N Foster, D Freeman, B Glass, 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 Hovvels, E Huntington, S Iveson, I Jewell, C Kay, B Kellett, A Laing, J Lethbridge, J Lindsay, A Liversidge, C Marshall, L Marshall, N Martin, J Maslin, P May, O Milburn, 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, K Shaw, A Shield, M Simmons, H Smith, T Smith, B Stephens, D Stoker, P Stradling, A Surtees, L Taylor, P Taylor, O Temple, K Thompson, 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 J Clark, K Corrigan, S Forster, I Geldard, B Graham, O Johnson, J Lee, H Liddle, B Moir, M Nicholls, J Robinson, A Savory and J Shuttleworth

Prior to the commencement of the meeting the Chairman of the Council with great sadness formally reported the following deaths:

- Alderman, former Durham City Councillor Irene Lupton who represented the Belmont Ward on Durham City Council from 1979 to 2003;
- Former Durham County Councillor Alan Scott who represented the Barnard Castle West Electoral Division on the County Council from 1997 to 2005.

The Council stood for a moments silence as a mark of respect to former Councillors Lupton and Scott.

1 Minutes

The minutes of the meeting held on 26 October 2016 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 item of business on the agenda.

3 Chairman's Announcements

Care Leavers Challenge

The Chairman referred Members to an email they had all received relating to the Care Leavers Challenge involving Durham Children in Care Council who were holding a two week challenge for any policy and decision makers in the area to live in the footsteps of a care leaver. The challenge consisted of living off a care leaver's budget of £57.90 for either one or two weeks.

Chloe, a project worker and Toni, a care leaver addressed the Council to explain the difficulties and hardship faced by care leavers and urged Members to sign up to the challenge.

The Chairman thanked Chloe and Toni for their presentation and informed Council that further information on the challenge was available at the back of the Chamber.

4 Leader's Report

The Leader of the Council reported that two weeks ago the Chancellor had delivered the Autumn Statement amid hopes that this would provide some respite from six years of austerity and a growing national funding crisis in areas such as health and social care. Unfortunately the statement said very little on these subjects and it seemed clear that the Council's original projections of three more years of deep cuts would soon become a reality, with some talk of austerity even continuing into the 2020s.

This was extremely disappointing news and the Council now awaited the local government settlement, which on the basis of recent years would arrive very late. Last year's settlement had provided more generous funding mainly to councils in the Home Counties for which there had still been no clear justification. The Council would continue to lobby for a fair funding deal for County Durham.

Next week the Cabinet would consider the Council's Medium Term Financial Plan 7, 2017/18 Budget and budget consultation which had been carried out in the Autumn, which followed major consultation undertaken on the public's priorities in 2010 and 2013. This year's consultation had involved talking to more than 3,000 people across County Durham, with nearly 2,000 consultation forms completed. Events ranged from the Council's fourteen Area Action Partnerships to other community meetings, roadshow events at supermarkets and a special event for young people.

From the budget consultation 63% of respondents stated that the Council's proposed approach for 2017/18 was a reasonable way to go forward. The public's verdict of how the Council had made savings so far showed 60% giving a mark of 6 or higher compared with 17% who marked at 4 or lower. Although many people had noticed the impact of the cuts on council services, the responses also showed that many had not seen an impact. There was also strong support for the prioritisation in earlier budget consultation events for services such as protecting vulnerable

children and adults, support for adults in their own homes and job creation. The Leader thanked all of those who took part in the budget consultation, which, as in previous years would form a key part of the Council's budget decisions.

The Leader informed Council that the initial proposals of the Boundary Commission for England for new Parliamentary constituency boundaries, which were out for consultation and comment by 5 December 2016, were considered by the Constitution Working Group on 11 October, 9 November and 24 November 2016. The Constitution Working Group had concluded that it wasn't possible to reach agreement over a combined response to the consultation other than to confirm all Members' opposition to the separation of the East and West electoral divisions of Barnard Castle between different constituencies. A response to this effect had been submitted for the Council.

The Leader referred to ongoing discussions with trade unions in relation to teaching assistants. Constructive meetings had been held with Unison on 17 November, 29 November and 2 December which had resulted in a way forward.

A number of issues were raised in relation to the range of duties, training and qualifications required for teaching assistant roles and the Council had agreed to undertake a joint review with the recognised trade unions. This review would look at the teaching assistant role, function, job description and activities that were undertaken within schools, to establish whether current job descriptions adequately described the role. The timescale for completion of the review was by 1 September 2017.

The Council had agreed to suspend the formal notices of termination and re-engagement that were issued in October 2016 pending the conclusion and outcome of the review.

The review process would commence immediately and an initial meeting had been set up for Friday and the Council would work closely with the recognised trade unions, which were Unison, GMB and Unite, to conclude the review by 1 September 2017.

Given the urgency of the issue, a delegated decision to suspend the dismissal and re-engagement process was taken by the Director of Corporate Resources and Director of Children's Services in consultation with the Chairman. This was in line with the Council constitution and a report would be submitted to the January Council meeting.

In concluding, the Leader thanked everyone for all their hard work during 2016 and wished all Members and officers a Merry Christmas and a Happy New Year.

Councillor Stoker informed the Council he was very disappointed with the lateness of the notification which had been sent to schools to inform them that the proposed industrial action by teaching assistants had been called off on the Wednesday, with many schools not being notified by noon on the Tuesday. This had caused disturbance to both pupils and parents. An email was sent to schools at 3.45 p.m.

on the day before the strike action was due to take place. Councillor Stoker stressed the need for better communication.

Councillor Henig suggested that Councillor Stoker should forward his views to the trade union concerned as the timing of the suspension of industrial action was a matter for it rather than the Council. He was pleased that the industrial action had been called off and that the review was taking place.

Councillor Stoker replied that the County Council was responsible for contacting schools, who then in turn contacted parents. The Chief Executive informed the Council that schools could only be notified when the County Council received information from the trade unions.

5 Questions from Area Action Partnerships

Questions had been received from Derwent Valley Area Action Partnership and Weardale Area Action Partnership relating to the following:

- What plans the Council had to support younger and more elderly residents in terms of addressing their mental health related issues and improving their quality of life.
- Whether it would be possible to mitigate the impact or replace any reduced funding to existing European grants and those still in the pipeline after BREXIT.
- The long term development and investment strategy for sustaining Killhope Lead Mining Museum and the measures in place to ensure Killhope was promoted as a Tourism offer both regionally and internationally.

Rosemary Morris, Derwent Valley AAP Chair and Angelina Maddison, Weardale AAP Coordinator were in attendance to ask their questions.

Councillor L Hovvells, Portfolio Holder for Adult and Health Services and Councillor N Foster Portfolio Holder for Economic Regeneration thanked the AAPs for their questions and provided responses.

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 Cabinet at its meetings held on 19 October and 16 November 2016 (for copy see file of Minutes),

Councillor Wilkes referred to the forecast surplus of £2.1m on the Council Tax Collection Fund and asked that consideration be given to allocating some of this surplus to youth provision funding.

Councillor Napier, Portfolio Holder for Finance replied that all Services were considered when budget setting and that Scrutiny was more involved than ever in consultation on the MTFP.

9 Mid-Year Review Report on Treasury Management for the period to 30 September 2016

The Council considered a report of the Corporate Director Resources which provided information on the treasury management mid-year position for 2016/17 and sought approval for revision to a Treasury Management Indicator for 2016/17 and the Council's Investment Strategy for 2016/17 (for copy see file of Minutes).

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

Resolved:

That:

- (i) The proposed changes to the Treasury Management Strategy for 2016/17 be approved, and
- (ii) That the contents of the mid-year review report be noted.

10 Gambling Act 2005 Statement of Principles

The Council considered a report of the Head of Environment, Health and Consumer Protection which sought approval for a revised Statement of Principles (Gambling Policy) for 2016-2019 in accordance with the Gambling Act 2005 (for copy see file of Minutes).

In **Moving** the report Councillor Carr informed Council that the revised Statement of Principles had been approved by the General Licensing and Registration Sub-Committee on 14 November 2016.

In **Seconding** the report, Councillor Stephens, Portfolio Holder for Neighbourhoods and Local Partnerships thanked the General Licensing and Registration Sub-Committee for their work.

Resolved:

That the revised Statement of Principles (Gambling Policy) for 2016-2019 be approved.

11 Report of the Audit Committee for the Period November 2015 to November 2016

The Council noted a report from the Audit Committee which detailed the work undertaken by the Committee during the period November 2015 to November 2016 (for copy see file of Minutes).

Councillor J Rowlandson, Vice-Chairman of the Audit Committee, reported as follows:

The Committee had experienced a slight change in membership during the year when the two co-opted member's terms of office came to an end. The Committee would like to place on record its thanks to Ms Kathryn Larkin-Bramley and Mr Tom Hoban for their work over the past nine years and the valuable contribution that they brought to the committee.

Two new co-opted members were appointed in April from a competitive group of applicants. They were Mr Clive Robinson and Mr David Beavis. Both had settled in well and had been quick to comment on the effectiveness of the Committee in terms of its professional relationship with officers, the appropriate challenge it brought to processes and the information that it received.

There were four key areas of the Committee's work during the period that Councillor Rowlandson drew attention to:

Annual Internal Audit Plan

In May the Audit Committee agreed a revised version of the Internal Audit, Strategy, Charter and the annual internal audit 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 outcome of an external review of the Internal Audit Service

The Council's internal audit service must adhere to Public Sector Internal Audit Standards which came into force in April 2013. A requirement of the standards is that the service was externally reviewed at least once every five years.

In April and May of this year this external review was completed by Newcastle City Council by way of a peer review.

The outcome of the review was extremely positive and ensured the Council could rely on the internal audit to continue providing an independent, objective assurance and consulting function which added value and improved the organisation's operations as per its charter and strategy.

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 have 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 again receive an unqualified opinion on both sets of financial statements for the County Council and the Pension Fund. The Committee's thanks were passed on to all of the officers involved in the process.

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

The Chief Internal Auditor and Corporate Fraud Manager continued to update the Audit Committee on the excellent work being completed in terms of proactive counter fraud work.

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

Councillor Hopgood referred the change of co-opted members on the Audit Committee which had resulted in the loss of some 9 years' experience and asked that consideration be given to stagger the terms of office of co-optees to ensure such loss of expertise and knowledge did not take place.

12 Members' Allowances Scheme 2017/2018

The Council considered a report of the Independent Remuneration Panel which sought agreement to a Members Allowances Scheme for 2017/18 having due regard to the recommendation of the Panel (for copy see file of Minutes).

The Head of Legal and Democratic Services informed the Council that the Members Allowances Scheme had been amended to that attached to the report and now reflected current HMRC guidance with reference to car mileage expenses.

Resolved:

That the Members Allowances Scheme for 2017/18 be approved.

13 Motions on Notice

There were no motions for consideration.

14 Questions from Members

Councillor O Temple

I welcome the fact that the County Council has decided to suspend the formal notice of termination and re-engagement issued to teaching assistant members of Unison and ATL. I also welcome its decision to undertake a review of teaching assistants' roles, function, job descriptions and activities within the breadth of school activities to establish whether current job descriptions adequately describe the role being undertaken by TAs in schools.

In light of these changes of direction, can the Council confirm that it will now be including ATL in any negotiations, as well as other unions, in an effort to ensure the widest possible consensus for any settlement arrived at?

Councillor J Brown, Portfolio Holder for Corporate Services thanked Councillor Temple for his question.

The Council would continue to include recognised trade unions in any negotiations as had been the case throughout negotiations on this issue. For clarity, these were Unison, GMB and Unite.

Councillor Temple asked how some trade unions were recognised, for example Unite which had one teaching assistant member when another trade union, ATL which had over 100 teaching assistant members would not be included in the review as a recognised trade union.

Councillor Brown replied that the review would be of the agreed NJC Green Book National Terms and Conditions of Service and ATL were not part of this agreement.

Councillor M Wilkes

In relation to the ongoing unacceptable treatment of our teaching assistants and the suspension of the formal notice of termination can the portfolio holder please confirm specifically what 'further information has come to light recently' as described by senior officers and explain how it differs from any previous information?

Councillor J Brown, Portfolio Holder for Corporate Services thanked Councillor Wilkes for his question.

A number of issues had been raised by teaching assistants, their trade unions and head teachers about the range of duties undertaken and the training and qualifications required to undertake certain roles. There were a number of areas that had been raised which the Council had agreed to look at across the breadth of the teaching assistants' role within different school settings. Whilst the Council had always been clear that where an individual member of staff believed their responsibilities had increased they should discuss this with their head teacher, the Council had agreed to move ahead with the recognised trade unions.

Councillor Wilkes replied that councillors, teaching assistants and the public had stated there was a raft of issues to be considered before the Council took the action it took, and teaching assistants would now be left in limbo for a period of 10 months before the review was completed. He sought an assurance that the teaching assistants would receive a full and proper review.

Councillor Brown replied that the terms of the review had been agreed with all three recognised trade unions.