

DURHAM COUNTY COUNCIL

At an Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 22 March 2017 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, R Bell, H Bennett, D Boyes, P Brookes, J Brown, J Carr, J Chaplow, J Charlton, J Clare, J Clark, P Conway, K Corrigan, P Crathorne, R Crute, M Davinson, K Dearden, M Dixon (Vice-Chairman), S Forster, N Foster, D Freeman, I Geldard, B Glass, J Gray, O Gunn, C Hampson, J Hart, T Henderson, K Henig, S Henig, J Hillary, M Hodgson, G Holland, A Hopgood, K Hopper, L Hovvels, E Huntington, I Jewell, O Johnson, C Kay, B Kellett, A Laing, J Lee, J Lethbridge, H Liddle, J Lindsay, A Liversidge, R Lumsdon, J Maitland, C Marshall, L Marshall, N Martin, P May, O Milburn, B Moir, S Morrison, A Napier, T Nearney, M Nicholls, H Nicholson, A Patterson, M Plews, C Potts, L Pounder, G Richardson, J Robinson, J Rowlandson, K Shaw, H Smith, T Smith, 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 and S Wilson

Apologies for absence were received from Councillors J Blakey, C Carr, K Davidson, B Graham, D Hicks, P Oliver, R Ormerod, S Robinson, A Savory, A Shield, M Simmons, M Stanton and S Zair

Prior to the commencement of the meeting the Chairman of the County Council with great sadness reported the death of former Derwentside District Councillor and Alderman Eric Edwards who served on the district council from 1982 to 2007.

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

1 Minutes

The minutes of the meeting held on 22 February 2017 were confirmed by the Council as a correct record and signed by the Chairman.

Councillor C Marshall referred to Page 14 of the agenda pack and informed the Council that he had erroneously voted in support Councillor Shuttleworth's budget Amendment. He wished to clarify that he did not support the amendment.

2 Declarations of Interest

Councillors R Crute, S Forster, N Foster, A Laing, J Lyndsay, J Maitland, A Napier, M Nicholls, L Pounder and P Taylor declared a prejudicial interest in the second

Motion on Notice on the agenda would withdraw from the meeting during consideration of the Motion.

3 Chairman's Announcements

The Chairman referred to the recent illness of Councillor Colin Carr and informed the Council that Councillor Carr was recuperating well. The Chairman invited Council to join him in wishing Councillor Carr a speedy recovery.

The Chairman was pleased to inform Council that Councillor Heather Smith had last week completed her 34km swim, the equivalent of swimming the Channel. She did this in order to raise funds for the Chairman's Charities and the Chairman congratulated Councillor Smith on her achievement and thanked her for raising money for the Chairman's charities.

The Chairman informed Council that Colette Longbottom, Head of Legal and Democratic Services and Monitoring Officer was to retire shortly, and this was her last Council meeting before retirement. Colette started her working life in private practice and worked for Leeds City Council before coming to Durham County Council in 2005 as Assistant Head of Legal Services. She took up her present post during local government re-organisation as Head of Legal and Democratic Services. The Chairman thanked Colette for her advice over the years and wished her well for her retirement.

Councillor Henig, Leader of the Council, thanked the Head of Legal and Democratic Services for her work for the Council, both pre and post LGR, which she had carried out in a good humoured, clear and impartial manner. Councillors May, Hopgood, and R Bell all thanked the Head of Legal and Democratic Services for her service to the Council and praised her even-handed approach to all Members.

The Chairman informed Council that this was the last council meeting before Council elections in May and took the opportunity to thank those not standing for re-election for their services to local government and offered his best wishes for the future.

4 Leader's Report

The Leader of the Council reported that, as Members were aware, the Council had been working with the recognised trade unions to undertake a joint review of the roles, responsibilities and job descriptions of teaching assistants. To ensure the joint review could be undertaken and completed within the timescales set out at the beginning of the process all previous proposals were suspended.

The joint review commenced in December 2016 with a project structure being established that included teaching assistants and head teachers. A Project Board which consisted of the Council and recognised trade unions would complete the review as quickly as possible while ensuring all views of the project team and the individual work streams were considered.

As part of the review, job records for teaching assistant roles and the grades that were in place across the teaching assistant workforce were being considered as well as the weeks and hours worked by teaching assistants. This was a thorough, detailed and robust process which continued to be a significant commitment by all involved.

The Leader announced that, as a result of regular meetings and a great deal of hard work and goodwill amongst the partnership involved, the Council was extremely close to confirming new grading proposals which would mark a sea change from where the Council was previously. Details of the new proposals would need to be communicated to schools and individual teaching assistants as quickly as possible. There would be a full and thorough consultation process and the project board anticipated this next phase would commence in the coming weeks.

It was important to note there had been a real pace to this work and the commitment by all parties involved continued. The original timeline for completion of the full review process remained on, or even ahead of, schedule. Looking ahead, the Council would need to work closely with each school to ensure their individual teaching assistant roles were correctly matched to proposed new job descriptions which would allow the Council to confirm the position for every individual teaching assistant when consulted on the new proposals.

Arrangements were being made to visit individual schools and the project board anticipated this part of the process would commence in the next few weeks. It was only thanks to very significant hard work and goodwill that such significant progress had been made and the Leader thanked officers, trade unions, the teaching assistants work stream and head teachers work stream for their support and hard work.

It was very positive that such notable progress had been made and the revised proposal that would be offered to teaching assistants through their trade unions, once the school consultation had concluded, would demonstrate the commitment made by the Council to resolve this matter.

The Leader then outlined the following events and initiatives by the Council:

- Big Spring Clean had been launched across the County and many colleagues had been involved in the litter picks which had taken place;
- The Council was proceeding with a Public Space Protection Order which would include a range of enforcement powers over stray dogs and dogs in fenced off designated play areas to add to existing powers to enforce cleaning up after dogs. The new powers would come into effect on 1 June 2017 and had met with overwhelming support in public consultation;
- At the end of February a ceremony had been carried out to mark the start of the latest extension to NetPark at Sedgefield. The Explorer buildings would expand the site and attract more jobs to County Durham and would build on the County's reputation for cutting-edge technologies;
- The first tenants had been welcomed to Salvus House and the Finance Durham Initiative would be launched to support new and expanding firms in Durham;

- Two County Durham schools which had benefitted from substantial investment in new buildings, Sedgefield and Wolsingham, were officially opened by HRH the Duke of Gloucester last week. The new DLI collection gallery at Palace Green had also been opened and a new home for the library in Newton Aycliffe town centre, which was in the same building as the leisure centre, had seen an increase in use.

The Leader thanked everyone involved in these initiatives, not least officers from across the council who worked hard despite the challenges faced. Despite continued deep austerity cuts from government the council continued to demonstrate that it worked hard on people's priorities, including cleaner neighbourhoods, job creation and helping young people.

Councillor R Bell referred to a government announcement the previous week of an allocation of an extra £2bn into social care funding and asked the Leader to confirm that Durham would be receiving an extra £25m from this.

Councillor Henig replied that Durham was expecting to receive an extra £25m. However, how this extra funding was spent would need careful consideration because it would taper away after 2019/2020. The Leader hoped that the awaited Green Paper on Adult Social Care would ensure that future funding was more sustainable. Government guidelines on how the extra funding could be spent were awaited.

Councillor Temple informed the Council that while he welcomed the Leader's announcement regarding the teaching assistant dispute, which he hoped would be resolved in an amicable and fair way, he was disappointed that the Council had gone down the route it had. He had wanted to put a motion to the meeting but this had been declined and asked whether any developments or statements on progress would be issued before 4 May 2017.

The Leader welcomed the comments of Councillor Temple. The Council would enter purdah on 23 March which would limit what Councillors could say publicly. The decision to decline Councillor Temple's motion had been reached by the Head of Legal and Democratic Services with no input from Members.

Councillor Hopgood welcomed the extra Adult Social Care funding the Council would receive and asked the Leader to consider establishing a cross-party working group to examine how this may be spent. The Leader replied that although Government guidelines on how the extra funding could be spent were awaited, the comments made would be considered.

5 Questions from Area Action Partnerships

Questions had been received from Chester le Street Area Action Partnership and East Durham Rural Corridor Area Action Partnership relating to the following:

- The challenge of creating a vibrant town centre, given the change to consumer spending patterns;

- The success of employment opportunity schemes developed and delivered by the Council, and in particular what more could be done to help those in rural communities;
- What the Council was doing to help address fuel poverty and how successful schemes had been in improving fuel efficiency for those in rural communities.

Andrew Megginson, Chester le Street AAP Coordinator and Jason Turnough East Durham Rural Corridor AAP Coordinator were in attendance to ask their questions.

Councillor N Foster, Portfolio Holder for Economic Development thanked the Chester le Street AAP and the East Durham Rural Corridor AAP for their questions and provided responses.

Councillor E Tomlinson, Portfolio Holder for Assets, Strategic Housing and Rural Issues thanked the East Durham Rural Corridor AAP for their question and provided a response.

6 Questions from the Public

There were no questions from the public.

7 Petitions

There were no petitions for consideration.

8 Annual Review of the Constitution

The Council considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's constitution (for copy see file of Minutes).

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

Resolved:

That:

- (a) the delegation of executive powers as set out in the officer scheme of delegations be noted;
- (b) the proposed revisions to the Constitution set out in paragraphs 5 to 15 of the report, including the delegations to Chief Officers, be approved and the Head of Legal and Democratic Services be authorised to present the constitution for approval to the new council;
- (c) the Head of Legal and Democratic Services be authorised, following consultation with Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council or a Council body or to comply with legal requirements.

9 Interim Arrangements for the Discharge of Functions for the period between the County Council Elections and the Reconstitution of Council Bodies

The Council considered a report of the Head of Legal and Democratic Services which sought delegated authority for the discharge of County Council functions in the period between the County Council elections and the reconstitution of Council bodies (for copy see file of Minutes).

Moved by Councillor C Marshall, **seconded** by Councillor A Laing and

Resolved:

That:

- (a) authority be delegated to the Chief Executive to take any urgent action necessary in the interests of the Authority from the 8 May 2017 until the Annual Council Meeting in consultation with the current Leader or Deputy Leader, and the current Chairman or Vice-Chairman;
- (b) from the Annual Council Meeting until the appropriate Council bodies are reconstituted Authority be delegated to the Chief Executive to take any urgent action necessary in the interests of the Council, and in that period the Members to be consulted are the new Leader or Deputy Leader, and the new Chairman or Vice-Chairman of the County Council.

10 Motions on Notice

In accordance with a Notice of Motion it was **Moved** by Councillor Hovvells and **Seconded** by Councillor Laing:

Durham is both rural and urban so securing good health and social care outcomes for the people of County Durham must be a critical objective for this Council.

This council therefore resolves to:

1. *Write to lead officers for each Sustainability and Transformation Plan in County Durham seeking assurances with regard to the formal consultation arrangements, decision making process and seeking confirmation from these lead officers that the people of County Durham will not be disadvantaged or experience any reductions in the availability of NHS services.*
2. *Seek further assurances from STP leads that the final plans will be clear and specific with regard to funding arrangements for the duration of the STPs and clarity on how this funding compares to other parts of the country*

Upon a vote being taken it was

Resolved:

That the motion be **carried**.

The Chairman proposed, and Council agreed, that Standing Orders be suspended if necessary to allow time for consideration of the following Motion.

Councillors R Crute, S Forster, N Foster, A Laing, J Lyndsay, J Maitland, A Napier, M Nicholls, L Pounder and P Taylor withdrew from the meeting during consideration of the following Motion.

In accordance with a Notice of Motion it was **Moved** by Councillor Shaw and **Seconded** by Councillor Morrison:

Durham County Council views with concern the arrangement whereby the Treasury receives 50% of surpluses from the Mineworkers Pension Scheme, accumulating since 1994 to an estimated £3.4 billion, a sum taken from people and communities that are least able to afford it and one that is out of all realistic proportion to the risk taken by the guarantors.

The first priority of Durham County Council is the regeneration of the county and this includes ensuring the prosperity of its people and communities. The effect of the arrangement between the government and the trustees of the MPS and BCSSS as detailed above has a directly negative impact on the prosperity of pensioners, deferred pensioners and their families across the county. In turn this acts as a barrier to economic growth and prosperity in our communities.

Durham County Council acknowledges and is grateful for the significant contribution successive generations of Durham miners and their families made to the economy of County Durham, and in recognition supports the UK Miners' Pension Association in demanding justice and fairness on the issue of pension fund surpluses.

In compounding the unfairness of the current arrangement the government and British Coal failed to pay into the Mineworkers' Pension Fund by means of a contributions holiday from 1987 to 1994 resulting in a £4.7bn shortfall to the MPS. In addition successive governments have benefited excessively from the scheme by exploiting the 1994 pre-privatisation pension arrangements that resulted in an additional £4.2bn being taken from the investment surpluses.

As a consequence it is estimated that the government will eventually receive in excess of £8bn from the current arrangement (figure taken from an Early Day Motion tabled in November 2016 by Alan Meale MP).

Consequently this council resolves:

- to support the campaign of the UK Miners Pension Scheme Association (for Justice & Fair Play)*
- to call on the Public Accounts Committee to carry out an investigation into the circumstances of the current agreement between the government and pension scheme trustees*
- to support the campaign to renegotiate the terms of the agreement between the government and trustees of the MPS to ensure a more realistic percentage share of surpluses which more accurately reflects the guarantors' risk*
- to demand the return of all money owed to MPS members, deferred members and their families*

- *to submit correspondence supportive of the campaign to relevant government departments and Members of Parliament*

Upon a vote being taken it was

Resolved:

That the motion be **carried**.

11 Questions from Members

There were no questions from Members.