

DURHAM COUNTY COUNCIL

At an Ordinary Meeting of the County Council held in the Council Chamber, County Hall, Durham on **Wednesday 21 June 2017 at 10.00 a.m.**

Present:

Councillor B Kellett in the Chair

Councillors E Adam, J Allen, J Atkinson, P Atkinson, B Avery, A Bainbridge, B Bainbridge, A Batey, A Bell, D Bell, J Bell, R Bell, H Bennett, J Blakey, G Bleasdale, L Boyd, D Boyes, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Charlton, J Clare, J Clark, M Clarke, I Cochrane, K Corrigan, P Crathorne, R Crute, G Darkes, M Davinson, S Dunn, S Durham, D Freeman, N Grayson, O Gunn, C Hampson, K Hawley, T Henderson, S Henig, D Hicks, A Hopgood, K Hopper, L Hovvels, P Howell, E Huntington, S Iveson, I Jewell, O Johnson, C Kay, A Laing, J Lethbridge (Vice-Chairman), K Liddell, H Liddle, L Maddison, J Maitland, J Makepeace, R Manchester, C Marshall, L Marshall, C Martin, L Mavin, S McDonnell, M McGaun, M McKeon, I McLean, O Milburn, A Napier, M Nicholls, H Nicholson, J Nicholson, R Ormerod, A Patterson, L Pounder, S Quinn, A Reed, G Richardson, J Robinson, S Robinson, J Rowlandson, A Savory, E Scott, P Sexton, K Shaw, A Shield, A Simpson, H Smith, T Smith, J Stephenson, B Stephens, A Surtees, L Taylor, P Taylor, O Temple, K Thompson, F Tinsley, T Tucker, J Turnbull, A Watson, A Willis, C Wilson, M Wilson, S Wilson, D Wood, R Yorke and S Zair

Apologies for absence were received from Councillors E Bell, D Brown, L Brown, J Considine, A Gardner, S Hugill, P Jopling, E Mavin, S Morrison, P Oliver, C Potts, J Shuttleworth, M Simmons, W Stelling and M Wilkes

Prior to the commencement of the meeting the Chairman referred to the recent tragic fire at Grenfell Tower in London and also to the terrorist related incident at the Finsbury Park area of London.

The Council stood for a moments silence as a mark of respect to those who had lost their lives in these events and to the many people and communities who had been affected.

1 Minutes

The minutes of the meeting held on 24 May 2017 were confirmed by the Council as a correct record and signed by the Chairman.

2 Declarations of Interest

The Interim Head of Legal and Democratic Services referred to the advice previously provided to enable Members to determine whether they needed to

declare an interest. The Interim Head of Legal and Democratic Services then advised of declarations that had been made.

The following Members declared an interest as having a close family member who was a Teaching Assistant, or other prejudicial interests, and withdrew from the meeting during consideration of the business:-

Councillors J Allen, J Atkinson, P Atkinson, A Bainbridge, B Bainbridge, L Boyd, P Crathorne, E Huntington, C Kay, H Liddle, J Makepeace, L Mavin, G Richardson, E Scott, K Shaw, A Shield, A Surtees, L Taylor, T Tucker and S Wilson.

The following Members declared their interests as School Governors and remained in the meeting.

Councillors A Batey, D Bell, J Bell, R Bell, J Blakey, G Bleasdale, D Boyes, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Clark, I Cochrane, K Corrigan, R Crute, G Darkes, O Gunn, C Hampson, T Henderson, D Hicks, A Hoggood, K Hopper, S Iveson, I Jewell, O Johnson, J Lethbridge, L Maddison, C Marshall, L Marshall, O Milburn, H Nicholson, J Nicholson, A Patterson, S Quinn, J Robinson, A Savory, H Smith, T Smith, K Thompson, F Tinsley, J Turnbull, A Willis, C Wilson, M Wilson and R Yorke.

Councillor O Temple declared a personal interest and remained in the meeting.

3 Chairman's Announcements

The Chairman was pleased to report that Durham had been successful in the annual Municipal Journal Achievement Awards. The County Council had been awarded the MJ Achievement Award for Excellence in Community Engagement for its work with communities, businesses, the University and schools around life-saving water safety work, and in particular the 'Dying to be Cool' campaign and riverside safety improvements in Durham City.

The Chairman welcomed Mrs Fiona Gosling whose work with the Council on 'Dying to be Cool' had played a key role in the efforts to reduce drownings.

The Chairman presented the award to members of staff who had worked on the initiatives and campaigns.

The Chairman reminded the Council that the Corporate Director of Children and Young People's Services would be giving a short briefing about being a corporate parent immediately following the meeting.

4 Leader's Report

The Leader, on behalf of the County Council, expressed condolences to those affected by recent terrorist attacks in London and Manchester and the tragic incident at Grenfell Tower on 14 June 2017. While investigations into the fire were underway there were concerns about high rise residential housing across the country, similar to that at Grenfell Tower.

Much of the public concern related to a type of cladding used in the refurbishment of the tower. As a result, all local authorities and other registered providers of social housing had been asked by DCLG to review their property portfolios to identify whether any panels used in new build or refurbishments were similar to that used in Grenfell Tower.

Whilst the Council was no longer a provider of social housing, it had liaised with social landlords across County Durham who had confirmed there was no high rise type residential accommodation although many were reviewing their wider fire safety arrangements.

The Council was also working with DCLG to review its property portfolio and this review had commenced, and they would continue to work closely with partners during this process to ensure that it conducted a thorough and comprehensive review and ensure fire risks were being managed and controlled effectively whilst learning any lessons to take forward in the future.

As a precautionary measure, all County Council buildings that used cladding were being checked, although the Council specified fire retardant cladding in all new build and refurbishment work.

The Leader went on to advise of the robust system of fire risk assessments in place, about the evacuation plans, and of the robust plans in place should the county face a major incident along the lines of recent tragic events.

The Leader assured Members that the Council would closely monitor the recommendations which came out of the investigation into the Grenfell Tower fire and, if any were relevant to the County Council, these would be fully implemented.

The Leader referred to the General Election and congratulated the County's six Members of Parliament on their election, five of whom were re-elected alongside Laura Pidcock, a new representative from North West Durham. The Council's Cabinet would be meeting with the County's MP's in the next few weeks to discuss key issues. The Leader also commiserated with those candidates who were unsuccessful.

The Leader thanked election staff for their work on a full set of elections, council, parish and general elections, over the past few months. Running elections across an area of half a million people comprising six parliamentary constituencies, sixty plus wards and many parishes was no easy task.

The Leader informed the Council that, notwithstanding the Queen's Speech which was due later in the day, there remained a degree of national uncertainty which made it difficult for the Council to set out its plans. Nevertheless three key priorities for the Council moving forward would be working with all local communities and building community resilience across County Durham, taking forward the council's transformation programme towards 2020 and beyond and getting the best out of Brexit.

The Leader concluded by informing the Council that there was a lot going on across County Durham over forthcoming weeks and months and he encouraged all Members to join in. Events included Kynren, Brass, the Miners Gala as well as many other visitor attractions.

5 Questions from Area Action Partnerships

Questions had been received from Mid Durham Area Action Partnership and Teesdale Area Action Partnership relating to the following:

- The key interventions in place to address the issue of community safety and where the AAP could make the greatest impact to enhance this work;
- The support available to small businesses who wished to develop and be in a position to take on apprentices.

Janet Box, Public Representative and Vice-Chair of Mid Durham AAP Coordinator and Craig Morgan, Teesdale AAP Coordinator were in attendance to ask their questions.

Councillor L Hovvels, Portfolio Holder for Adult and Health Services thanked the Mid Durham AAP for their question and provided a response. Councillor C Marshall, Portfolio Holder for Economic Regeneration thanked the Teesdale 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 Report from the Cabinet

The Leader of the Council provided the Council with an update of business discussed by Cabinet at its meeting held on 15 March 2017 (for copy see file of Minutes).

9 Teaching Assistants – Review of Terms and Conditions

The Council considered a joint report of the Corporate Director of Resources and Corporate Director of Children and Young People's Services which provided an update following the review of roles and responsibilities of teaching assistants which had been undertaken with Trade Unions and representatives from Head Teachers and Teaching Assistants and sought authority for a revised proposal in relation to changes to teaching assistant terms and conditions of employment (for copy see file of Minutes).

The Corporate Director of Resources apologised for the late circulation of the complete updated report and explained the reasons for this. If approved, then the

recognised Trade Unions would ballot their members on the proposals prior to school holidays.

The Corporate Director of Resources informed Council that the report being considered was the result of hard work by all of those who had been involved in the process and thanked them for their work.

In **moving** the report Councillor J Brown, Portfolio Holder for Social Inclusion thanked all those who had been involved in the review process, including recognised Trade Unions, Teaching Assistants, County Council staff and Head Teachers. The proposed offer was a significant improvement on the previous position and it was important to note that no Teaching Assistant would lose any money until the end of a 2 year period following implementation. The recognised Trade Unions had shown a willingness to ballot their members on the proposal but before this could happen Council needed to approve the recommendations contained in the report. If the recommendations were not approved then the recognised Trade Unions would be denied their right to carry out this democratic process.

In **seconding** the report Councillor O Gunn, Portfolio Holder for Children and Young People's Services informed Council that the review process had been undertaken with openness and commitment on all sides with a level of co-operation which was commendable. The proposal would bring equality and fairness for all employees while recognising the work undertaken by Teaching Assistants.

Councillor R Bell expressed concern that there was no sight of the proposed job descriptions which had been agreed with Head Teachers and would result in nearly 80% of Teaching Assistants being forecast to receive an increase in pay. Councillor Bell sought an assurance that the process for the review of job descriptions had been independent and objective. Councillor Brown replied that the assimilation process had been undertaken with recognised Trade Union and Human Resources representatives present. The Corporate Director of Resources added that the County Council's Job Evaluation process had been followed.

Councillor O Temple **moved** a Motion under Paragraph 12(k) of the Council Procedure Rules that the debate be adjourned. While he was pleased that the proposal would withdraw the dismissal notices issued to Teaching Assistants and would increase to two years the protection for all Teaching Assistants who would lose income under the new proposals, the report circulated to Members was short on the precise detail of the proposals and had been circulated with very short notice which had not allowed for detailed consideration of the proposals.

Seconded by Councillor A Hopgood.

Upon a vote being taken the Motion was **Lost**.

Councillor A Watson thanked the review team for the work they had undertaken but considered that Teaching Assistants should have been consulted on the offer before it was brought to Council. Councillor J Brown replied that it was the wish of

the recognised Trade Unions to carry out a consultative ballot after Council approval of the proposals had been obtained.

Councillor A Hopgood informed Council that she considered Members were being asked to vote on a new grading structure for Teaching Assistants without any knowledge of what that structure was. She considered it was unfair to ask Council to do this given the lack of detail in the report and the short notice given to consider the report. The Council had been told 18 months ago that the offer then to Teaching Assistants was a final offer, yet this had now changed.

Councillor P Howell also expressed concern that Council was being asked to vote on a report which had only been circulated 48 hours prior to the meeting.

Councillor A Napier, Portfolio Holder for Finance apologised for the lateness of the circulation of the report. He reminded the Council that the terms and conditions of employment for Teaching Assistants needed to be reviewed to mitigate the risk to the Council of equal pay claims. It was not the duty of elected Members to determine Job Record Documents, Job Description's and Grades. The Job Evaluation process had been agreed by Council with unanimity and this was now being used in the Teaching Assistant review.

Councillor O Gunn reminded the Council that the review had been carried out by a Working Group which had made recommendations. She apologised for the late circulation of the report for which an explanation had been provided. The recognised Trade Unions had requested that the report be considered by Council prior to the start of the school holidays. It was for the recognised Trade Unions to provide details of the proposal to their members before the consultative ballot took place.

In accordance with Standing Order 16.4 Councillor O Temple sought a named vote on the approval of the report. The requirements were met.

A named vote on the recommendations in the report was taken.

For

Councillors E Adam, A Batey, D Bell, J Bell, H Bennett, G Bleasdale, D Boyes, P Brookes, J Brown, C Carr, J Carr, J Chaplow, J Clare, J Clark, M Clarke, K Corrigan, R Crute, M Davinson, S Dunn, O Gunn, C Hampson, S Henig, D Hicks, K Hopper, L Hovvels, S Iveson, I Jewell, O Johnson, B Kellett, A Laing, J Lethbridge, J Maitland, R Manchester, C Marshall, L Marshall, M McKeon, I McLean, O Milburn, A Napier, M Nicholls, H Nicholson, A Patterson, L Pounder, S Quinn, J Robinson, H Smith, T Smith, B Stephens, J Stephenson, P Taylor, F Tinsley, J Turnbull, C Wilson, M Wilson, D Wood and R Yorke.

Against

Councillors B Avery, A Bell, R Bell, J Blakey, J Charlton, I Cochrane, G Darkes, S Durham, D Freeman, N Grayson, K Hawley, T Henderson, A Hopgood, P Howell, K Liddell, L Maddison, C Martin, S McDonnell, M McGaun, J Nicholson, R Ormerod, A

Reed, S Robinson, J Rowlandson, A Savory, P Sexton, A Simpson, O Temple, K Thompson, A Watson, A Willis and S Zair.

Resolved:

That:

- (i) The suspended notices of dismissal and re-engagement issued in October 2016 be withdrawn with immediate effect;
- (ii) The work of the project board and project team in reviewing the roles and responsibilities of teaching assistants be noted with thanks;
- (iii) The Corporate Director of Resources be authorised to communicate the offer set out at paragraph 16 of the report to teaching assistants and relevant recognised trade unions;
- (iv) The Corporate Director of Resources be authorised to conclude the changes to teaching assistant terms and conditions of employment by agreement upon acceptance of the offer by all of the relevant recognised trade unions.

10 Community Governance Review - Central unparished areas of Durham City

The Council considered a report of the Interim Head of Legal and Democratic Services which provided an update on the outcome of the consultation as part of the Community Governance Review of the central unparished areas of Durham and made draft recommendations in this regard (for copy see file of Minutes).

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

Resolved:

That the report be approved.

11 Motions on Notice

There were no motions for consideration.

12 Questions from Members

No questions had been received from Members.