



Stanley Town Council

NOTICE OF MEETING

I hereby give notice that an Ordinary Meeting of Stanley Town Council will be held on Tuesday, the 25th January 2022 at 6.30pm at Stanley Civic Hall.

TO ALL MEMBERS of STANLEY TOWN COUNCIL

O Milburn (Town Mayor)	C Bell	G Binney	H Clark	K Coulson
A Clegg (Deputy Town Mayor)	D Fall	L Ferry	A Hanson	C Hampson
A Jones	J Kane	C Marshall	M Martin	J McMahon
J Nicholson	J Stephenson	M Thompson	D Tully	S McMahon

You are hereby summoned to attend an **ORDINARY MEETING** of meeting of Stanley Town Council to be held in Stanley Civic Hall, Front Street, Stanley, DH9 0NA, on Tuesday 25th January 2022 at 18.30 in order to transact the following business:

Yours sincerely,

Alan Tubman
Deputy Town Clerk
18th January 2022

Please turn off all mobile phones or set to silent mode
Please refer to the Policy for recording proceedings

A G E N D A

1. APOLOGIES FOR ABSENCE

To **RECEIVE** any apologies and reasons for absence.

2. DECLARATIONS OF INTEREST

Members are invited to **DECLARE** disclosable pecuniary interests and other interests, along with the nature of those interests, in relation to any item on this agenda.

3. MAYORS ANNOUNCEMENTS

To **RECEIVE** announcements from the Town Mayor or Deputy Town Clerk.

4. LEADERS STATEMENT

An update on current business by the Leader of the Council,

5. PUBLIC PARTICIPATION

An adjournment will be allowed at the direction of the Chairman to allow for public comment and response in relation to items on this agenda or to consider written questions submitted in advance of the meeting (*Individuals will be permitted a maximum of three minutes each. The total time for this session is limited to fifteen minutes*).

6. CONFIRMATION OF MINUTES (ATTACHMENT A)

To **APPROVE** as a record and sign the minutes of the Ordinary Council Meeting 26th November 2021.

7. RECEIPT OF COMMITTEE MINUTES (ATTACHMENT B)

To **RECEIVE** the minutes from the Finance and General Purposes Committee 12th November 2021.

8. QUEENS JUBILEE 2022 (ATTACHMENT C)

The Council is to **CONSIDER** the report on options for recognising the Queens Jubilee in 2022 and **DECIDE** what to do.

9. CDALC – DOUBLE TAXATION UPDATE (ATTACHMENT D)

CDALC have requested members are made aware of the current situation regarding Double Taxation. The report to the Local Councils Working Group (Attachment D) is attached for members consideration.

To address the issue of Double Taxation an option is the introduction of a Special Expenses scheme, whereby the County Council would vary (reduce) its council tax charge in parished areas, as the County Council will not consider a grant to local councils to “Address” Double Taxation. This would require input from all councils and significant work to scope and cost service provision.

The first key issue they need to address is whether ALL CDALC members will commit to undertaking the proposed exercise. Without this, fairness throughout the county could not be achieved

The Council is to **CONSIDER** the report and **DECIDE** what to do.

10. TANFIELD TREE PLANTING PROJECT (ATTACHMENT E)

Durham County Council are looking to find areas to plant new woodlands, primarily to address the needs of carbon fixing to help reduce the effects of climate change but also to provide new areas for wildlife to flourish and areas for people to explore. In this process they have identified the area shown on the attached map (Appendix F) which in this case is close to Stanley. The site lends itself to the creation of a new community woodland, lying as it does next to the public footpath adjacent to Tanfield Railway, a popular route for many a recreational walker.

They have informed the County Councillors in the area but would also like to give the Parish/ Town Council notice that this planting will be taking place this February

or March. As a part of the planting process, they would be keen to give any local people the opportunity to plant some trees who would like to be involved.

11. TOWN CLERK RECRUITMENT UPDATE

To **NOTE** the verbal update regarding the Town Clerk recruitment.

**12. COMPLAINT – ALLEGED BREACH OF COUNCILLOR CODE OF CONDUCT
(ATTACHMENT F)**

To update members on the complaint received by Durham County Council that a Stanley Town Council Councillor had breached the Councillor Code of Conduct

Council is requested to **NOTE** the report.

13. TOIL PROCEDURE (ATTACHMENT G)

Council is requested to **APPROVE** and endorse the changes to the TOIL Procedure as recommended by Finance and General Purposes Committee.

14. DATE, TIME AND VENUE OF NEXT MEETING

Tuesday 22nd February 2022, 6.30pm, Stanley Civic Hall.

In accordance with the Public Bodies (Admission to Meetings) Act 1960, members of the public and press are welcome to attend the meeting. Members of the public will only be permitted to speak at the beginning of the meeting during Public Participation.

MINUTES of the ORDINARY MEETING OF STANLEY TOWN COUNCIL

Held in Stanley Civic Hall on Tuesday 23rd November 2021 at 6.30pm

PRESENT: O Milburn* C Bell G Binney H Clark
 K Coulson A Clegg L Ferry C Hampson
 A Hanson A Jones J Kane C Marshall
 M Martin S McMahon J Nicholson J Stephenson
 M Thompson D Tully

*Chairman

OFFICERS: Stuart Wardle (Interim Town Clerk)
 Alan Tubman (Deputy Town Clerk)
 Nicola James (Events & Administration Support Officer)
 Ann Barry (Finance Officer)
 James Harper (Environmental Services Manager)

ABSENT: Cllr D Fall

149 APOLOGIES FOR ABSENCE

Members **ACCEPTED** apologies from Cllr J McMahon.

150 DECLARATIONS OF INTEREST

None.

151 MAYOR'S ANNOUNCEMENTS

The Town Mayor had no announcements. Councillor Alan Jones requested to thank James Harper and the environmental team for their work planting bulbs at Greencroft.

The Deputy Town Clerk noted that the Council had recently had the following events in the Civic Hall – Blooming Good Fun, MMA, Stanley Learning Partnership, dance shows, casino nights, blood donors, DLI art exhibition. Stanley Starz have a pantomime coming up next week – A Little Bit Elfish. In 2022 we will have Cinderella from Timeless, a classical music night, a gospel choir night and fight nights. Outside of the Civic Hall we have recently held our remembrance services, and coming up we have our Christmas Light Switch on on 4 Dec, Panto starts on 15 Dec and on 19 Dec we have our community carol service at St Andrews.

152 LEADER'S STATEMENT

The Leader, Councillor Jeanette Stephenson, gave the following statement:

Evening everyone,
November has continued to be a very busy month. Work this month has been focused on the budget and on the website, as well as the STC pantomime. We have also undertaken a recruitment process and a report from the recruitment panel will be presented tonight for a decision by the Full Council.

Budget

All of us who were able to, attended the budget workshop where we had a great collaborative evening identifying the priorities for the council. This joint work has led to us being able to start to develop our MTP for the council, something we can all agree on to set the direction of travel for the Council. This has also allowed us to develop our budget and we have a report tonight facilitated by the Interim Clerk which will be considered by the Full Council.

Website

At the budget workshop our ITC identified a number of issues with the STC council website which on further investigation threw up a need for urgent action, these issues were about accessibility, security and functionality/design of our website. We have been able to attend to these issues swiftly and now have a plan in place firstly to refresh the current site which was very old and in need of an update and then at a later date have a new site developed, as this is our main means to communicating with our residents. At the end of the meeting we will have the site up on the big screen for people to have a look at the new design, work is still ongoing with regards to content.

Recruitment

We interviewed for the position of Stanley Town Council Clerk on the 19th November. A report will be tabled in Part B for discussion and decision.

Pantomime

The tickets are selling well but anyone who doesn't have theirs please see Alan Tubman our panto guru.

153 PUBLIC PARTICIPATION

There were no questions submitted prior to the meeting and no questions from the floor.

154 CONFIRMATION OF MINUTES

It was proposed by Cllr A Clegg, seconded by Cllr C Hampson and **RESOLVED** that the minutes of the Full Council meeting held on the 26th October 2021 be **APPROVED** and signed by the Town Mayor as a true record.

155 RECEIPT OF COMMITTEE MINUTES

It was proposed by Cllr A Clegg, seconded by Cllr G Binney and **RESOLVED** that the minutes of the Finance & General Purposes Committee held on the 12th October 2021 be **RECEIVED** by Council.

156 ACCOUNTS FOR PAYMENT & BANK RECONCILIATION

It was proposed by Cllr G Binney, seconded by Cllr A Clegg and **RESOLVED** that the Council **APPROVE** the payment of accounts for September 2021, and **NOTE** the bank reconciliation for September 2021.

157 COUNCILLOR VACANCY

The Council **NOTED** the Election of Cllr Michael Martin in the Havannah Ward.

Cllr Tully had questioned the costs for by elections, the Finance Officer provided:

January 2018 £10,900

July 2018 £6497

Nov 2019 £6082

158 STANLEY MASTERPLAN

Deferred due to technical issues.

159 CIVIC HALL HEATING

Council requires a report on the building and what is needed. This report would then be submitted to the Public Sector Decarbonisation Fund to try and access funding. The report will cost around £3000. Council **APPROVED** to combine the report with a review.

160 2021/22 & 2022/23 BUDGET UPDATE AND 2022/23 PRECEPT REQUIREMENT

The Interim Clerk and Responsible Financial Officer reported that a summary schedule of issues and priorities had been previously identified from the Members Budget Workshop held on 4th November 2021. These priorities had been refined and presented to Finance and General Purposes Committee for approval on 9th November 2021 and formed the basis of a priority budget to be presented to the Council for consideration for the 2022/23 Financial Year.

The Budget Workshop had proved helpful in determining the current budget position and the priorities for the Council both in the short term and longer term. These priorities had also provided a baseline to which a number of core actions could be undertaken during the current financial year and next year.

Based on the projected outturn from the Councils 2021/22 Budget approximately £60,000 would be available to allocate against the identified immediate priorities.

It was suggested that the Council commence work on the following summary of key priorities during the current financial year and that these be developed during 2022/23. These would be used to inform and develop a rigorous and detailed review of the Councils priorities with the necessary information required to develop a sustainable longer-term Priority & Medium Term Financial Plan (3-5 years post 2023).

The Interim Clerk also highlighted a number of key factors that would impact on current and future budgets i.e. inflation estimated at +5% and energy costs increasing +33%.which would impact across all areas of expenditure.

Priority	Priority Budget Recommendations		Budget Allocation
Environment <i>Ensure our environment is clean, accessible and people feel proud where they live</i>	Pump prime new environmental projects	Longer term - Develop 3-5 year STC Priority Plan & MTFP	£5,000
Anti-social behaviour and crime <i>Tackle anti-social behaviour and crime</i>	Better Partnership Working with clear outcomes & achievements		
Establishment <i>Our staff are key to achieving our objectives</i>	Support Staff Team/Immediate Set aside funding for staff resource to meet immediate needs (NB contract short term support pending review to achieve priorities in MTFP) Develop workplan for establishment based on priorities		£20,000
Partnership Working, Community Engagement & Post Covid Community Support <i>Working with our partners and engaging with our community</i>	Develop a robust Community Engagement Plan/Strategy Review STC Strategic Grants programme Review Marketing & Communications Establish Community funding post - Joint (>£20k)		£20,000
Assets (Civic Hall)	Appoint D3 to update Civic report to assist in determining future priorities (>£10k)		£10,000
Sustainability & Climate Change - Carbon Footprint <i>Support climate change measures and reduce STC's carbon footprint</i>	Kickstart establishment of STC approach to Carbon Neutral		£2,000
Other Future Projects	Website Accessibility Introduce Performance Management Framework		£5,000
	TOTAL		£62,000

Following detailed consideration it was proposed by Cllr J Stephenson, seconded by Cllr G Binney and **RESOLVED** unanimously that:

- i. the recommended priorities outlined above be adopted by the Council for the revised 2021/22 budget and to be included in the 2022/23 precepting requirement;
- ii. the Council agree to include an additional budget provision of £19,971 and to increase its Precept to £818,813.00 (2.5% increase) accordingly to support the above priorities and the development of a robust Medium Term Financial Plan for the Council;
- iii. it be noted that, the above increase would be offset as there had been a proposed increase in LCTRS grant of £2,528 from £105,597 (2021/22) to £108,135 (2022/23) and an increase in the Council Tax Base from £7,901.90 to £7,998.80
- iv. it be further noted that, the resultant Band D Council Tax charge would increase by £1.28 (1.26%) to £102.37 (2022/23) compared to £101.09 (2021/22)

161 CHRISTMAS OPENING/CLOSURE 2021/22

Council **NOTED** that the offices will be closing on 24th December 2021 and will reopen on 4th January 2022.

162 RISK REGISTER

Council **NOTED** the updated risk register. It was proposed by Cllr O Milburn, seconded by Cllr J Nicholson and **RESOLVED** that the Council will revisit the risk register in 6 months time.

163 EXCLUSION OF PRESS AND PUBLIC

Council **RESOLVED** that under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest due to the confidential nature of the business to be transacted. Justification for excluding the public and press from consideration of the following item: *Staffing confidentiality*.

164 TOWN CLERK RECRUITMENT UPDATE

The Deputy Town Clerk noted that after receiving 4 applications for the Town Clerk post, there had been 2 successful applicants invited for interview however only 1 applicant was interviewed in the end.

It was proposed by Cllr J Stephenson, seconded by Cllr S McMahon and **RESOLVED** that the Council offer the position to the interviewed candidate and that the Interim Town Clerk be asked to continue on a month by month basis to ensure a smooth transition.

165 COMPLAINT – ALLEGED BREACH OF COUNCILLOR CODE OF CONDUCT

Council **NOTED** the alleged breach of code of conduct. Cllr C Marshall requested that if the complaint was about himself, the decision be brought to Council under Part A of the next meeting.

166 DATE, TIME AND VENUE OF NEXT MEETING

Tuesday 25th January 2022, 6.30pm, Stanley Civic Hall.

MINUTES of the FINANCE AND GENERAL PURPOSES MEETING of STANLEY TOWN COUNCIL held at Stanley Civic Hall on Tuesday 9th November 2021 at 6.30pm

PRESENT: G Binney* H Clark A Clegg L Ferry
 A Hanson J Kane A Jones J McMahon
 S McMahon O Milburn J Nicholson D Tully

*Chairman

OFFICERS: Stuart Wardle (Interim Town Clerk)
 Ann Barry (Finance Officer)
 Alan Tubman (Deputy Town Clerk)

138 APOLOGIES FOR ABSENCE

All members were present

139 DECLARATIONS OF INTEREST

None

140 PROCEDURAL AND APPROPRIATE ANNOUNCEMENTS FROM THE CHAIR

The meeting will be live streamed via the Stanley Town Council Youtube channel, and will be available for 6 months.

141 PUBLIC PARTICIPATION

No members of the public were present and no questions had been received in advance of the meeting.

142 CONFIRMATION OF MINUTES

It was proposed by Cllr A Clegg and seconded by Cllr S McMahon that the minutes of the Finance and General Purposes Committee on 12th October 2021 be **APPROVED** as a true record.

143 ACCOUNTS FOR PAYMENT AND BANK RECONCILIATION

It was proposed by Cllr A Hanson and seconded by Cllr A Jones that all items are taken together and that the Council **APPROVE** the schedules of payments and receipts and **NOTE** the bank reconciliation for September 2021

144 GOVERNANCE WORKING GROUP

Members **NOTED** the report and the Risk Register, and it was recommended that the TOIL procedure is looked at by the Governance Group as a priority.

145

BUDGET SETTING UPDATE

The Interim Town Clerk provided members with a summary schedule of issues and priorities identified from the Members Budget Workshop held on 4th November 2021.

The priorities had been refined and presented to Finance and General Purposes Committee for approval and the basis of a priority budget to be presented to the Council for consideration for 2022/23 Financial Year.

The Interim Clerk, outlined that the Workshop had proved helpful in determining priorities for the Council both in the short term and longer term. These priorities had provided a baseline to which a number of core actions would be undertaken during current financial year and next year.

Based on the projected outturn from the Councils 2021/22 Budget approximately £60,000 would be available to allocate against the identified immediate priorities

It was suggested that the Council commence work on the following summary of key priorities during the current financial year and that these be developed during 2022/23. These will be used to inform and develop a rigorous and detailed review of the Councils priorities with the necessary information required to develop a sustainable longer term Priority & Medium Term Financial Plan (3-5 years post 2023)

Priority	Priority Budget Recommendations		Budget Allocation
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Other Future Projects	Website Accessibility Introduce Performance Management Framework		£5,000
	TOTAL		£62,000

The Town Council had recently received confirmation of the Local Council Tax Relief contribution from Durham County Council which supported the process by an additional £4,000 more than anticipated, effectively adding £4,000 to the budget for 2022/23

Following detailed discussion and questions it was **RECOMMENDED** that the report be approved and that the priority budget recommendations outlined above be recommended to the Council for the 2021/22 budget and to be included in the 2022/23 precepting requirement.

146 EXCLUSION OF PRESS AND PUBLIC

Streaming and recording of the meeting stopped at this point.

147 TOWN CLERK RECRUITMENT GROUP

Members **NOTED** the report, that the shortlisting of applicants for the Town Clerk position had taken place and 2 candidates were to be invited in for interview on Friday 19th November.

148 DATE AND TIME OF NEXT MEETING

Tuesday, 14th December 2021, 6.30 pm Civic Hall, Stanley.



Queens Platinum Jubilee 2022

In 2022, Her Majesty The Queen will become the first British Monarch to celebrate a Platinum Jubilee, seventy years of service, having acceded to the throne on 6th February 1952 when Her Majesty was 25 years old.

Throughout the year there will be a range of events to celebrate this milestone, including an extended bank holiday weekend from Thursday 2nd June to Sunday 5th June

Stanley Town Council, Queens Jubilee 2022

Stanley Town Council can look at a number of ways of recognising this momentous occasion, either by embracing national events or by looking at supporting its own local events installations. Some examples are included within this report.

1.BEACON

To mark the occasion nationally, beacons will be lit throughout the country. As we already have a beacon, we will arrange to have the beacon reinstalled in the Front Street in order to support this event. We have registered the beacon for inclusion within the National Event which takes place on 2nd June and we can look to develop some sort of event around the beacon.

2.STONES PROJECT

We have received a suggestion from a Member of Stanley Town Council that we develop/support a project around the Jubilee engaging local schools in designing and painting stones which are then fixed permanently as place to create an art installation. Example of a similar installation is show below.

This project could involve a number of schools and community groups, could be delivered in a central location or could be a series of smaller installations throughout the town. We have had preliminary discussion about this project including potentially securing local funding support and the project would be developed further should council grant approval.

As well as providing a lasting, decorative installation within the town, this will also allow us to engage with local schools and groups and involve them within the project in the town in an enjoyable way and provide them with a lasting installation showing their work.



3.TREES

The planting of trees has traditionally been used as a way to commemorate people and/or events, this can be with an individual tree in a specific area, or through the creation of a woodland area. In addition, this also very much is an opportunity to support the environment within the town and the current climate change agenda.

With the recent contact from Durham County Council, it provides us with an option to dedicate a new woodland area in Tanfield as a Jubilee Wood, provided Durham County Council agree, and we can provide support with the project. We have however recently received an update from Durham County Council, stating the project may be delayed from its original proposed start date.

Alternatively, a bespoke tree or number of trees could be sighted throughout the town and marked appropriately.

4.ALTERNATIVES

While paragraphs 1, 2 and 3 above give examples of projects or events that can be developed or implemented by the Town Council, there is also the potential to develop other projects or ideas should members decide.

5.SUMMARY

2022 sees the momentous occasion of Queen Elisabeth's Platinum Jubilee, and as such the Town Council could instigate and support a number of local projects within the town, including joining in National Events (e.g Beacon Event) or creating local bespoke projects (Stones Project) by way of celebration and recognition.

In addition, we could also use the opportunity to promote environmental issues as well as create positive environmental improvements.

6.RECCOMENDATIONS

It is **RECOMMENDED** that:

- (i) The Town Council **DECIDE**, how they want to celebrate/recognise the Queens Jubilee and which projects they would like support or progress.

Report Author

Alan Tubman
Deputy Town Clerk
Stanley Town Council

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Local Councils Working Group

14 December 2021



Double Taxation

Introduction

- 1 At a meeting of the Local Councils Working Group held on 18 March 2021, CDALC presented the following motion which had been discussed and agreed with their membership at their AGM:

'The County Durham Association of Local Councils acknowledges Durham County Council's response to the issue of double taxation. We would request that, in the interest of fairness, there is a commitment by Durham County Council to reconsider the issue of double taxation and possible options to alleviate the unfairness that this causes for local council tax-payers in County Durham. It is requested that this review is undertaken in consultation with the Local Councils Working Group'.

- 2 It was agreed that the LCWG would consider this request and this report considers the history of double taxation since LGR and options for the future.

Definition

- 3 Double Taxation is defined as a situation where residents in certain local council areas are paying council tax twice over for particular public services. It can happen because many local services are concurrent functions — that is, they can be managed and delivered either by local parish and town councils or by the County Council. Typically, double taxation comes about in relation to the most locally delivered services, such as maintaining children's play areas, closed churchyards, playing fields, open spaces, public conveniences, street-lighting, cemeteries, allotments and footpaths.
- 4 There are two ways in which Double Taxation can be viewed and therefore two definitions of Double Taxation:
 - (a) where provision of a service is delegated or devolved from a principal local authority to a local council without funding being passed on to cover the costs, which results in the local residents funding that service through the Town or Parish precept; or

- (b) where, within a principal local authority's area there are services delivered in some places by that authority (e.g. in unparished areas) and in other places by local Town or Parish councils. This can result in some residents paying for the service in their local council area through its precept, while at the same time they contribute to the cost of provision elsewhere, particularly in unparished areas, through the Council Tax bill from their principal local authority. This is the National Association of Local Councils definition of Double Taxation.
- 5 In terms of funding for local authorities, council tax makes up significantly different proportion of total funding available to different types of authority as detailed below:
- (a) Unitary Authority – in the case of Durham County Council council tax makes up circa 22% of total funding for the council. In this circumstance council tax could be said to finance 20% of all service provision;
 - (b) Town and Parish Councils – in many circumstances council tax will make up the vast majority of total funding and as such council tax will pay for the majority of all services.

Treatment of Double Taxation after LGR

- 6 During the LGR process the issue of Double Taxation was raised by local councils and colleagues from District Councils. It was agreed that the issue was complex and there was no simple solution. An agreement was reached with local councils that a grant payment would continue to be made in line with those made by the former District Councils. This would reflect that certain services were being provided by local councils which could be deemed to be the county council's responsibility. The functions included in the payment process at that time were as follows:
- (a) allotments;
 - (b) bus shelters;
 - (c) cemeteries;
 - (d) public conveniences.
- 7 The sums paid post LGR totalled £0.246 million across 60 local councils ranging from £16 to £38,475. There is no clear evidence that local councils utilised the additional grant payment to reduce council tax ie. it was impossible to say that double taxation was not an issue in those areas that received this grant funding.

8 Post LGR local councils continued to lobby for additional and more substantial functions to be added to the list of functions included in the grant payment scheme. Local councils requested that the following functions also be included in calculations. The functions in question were as follows:

- (a) CCTV;
- (b) public parks and open spaces;
- (c) community centres;
- (d) information centres;
- (e) tourism;
- (f) leisure facilities including sports grounds;
- (g) town twinning.

Withdrawal of Council Tax Benefit Subsidy and Introduction of Local Council Tax Support Grant

9 During 2012 the government announced that consideration was being given to localising control of council tax benefit payments – changing the support from a cash benefit payment to a discount against the council Tax. This resulted in the introduction from April 2013 of Local Council Tax Support Schemes – which impacted on the tax base calculations. At the time the government passported grant funding to local authorities to (partially) offset the impact on the tax base, with following actioned and advised:

- (a) a 10% sum as top sliced from the grant. For Durham this equated to a loss of funding of circa £5 million and;
- (b) to recognise the loss of income for local councils a proportion of the Revenue Support Grant was recommended to be passported to local councils to protect them from the impact of this change, though principal authorities were not mandated to do so.

10 At that time local authorities took a range of actions to introduce a LCTRS and to address the issue of loss of income for local authorities as detailed below:

- (a) many authorities reduced entitlement to council tax support to recover the lost 10% of funding. Since 2013/14 the majority of

authorities have reduced entitlement. The county council has maintained entitlement at pre 2013/14 levels. If the council had reduced entitlement the tax base would increase, and local councils would receive more council tax dependent upon the number of claimants impacted from their area;

- (b) many local authorities recognised that it was legal to either not pay any local council tax support grant to local councils or at least to pay a lower sum than was necessary. At this time only 10 upper tier authorities still pay a proportion of the local council tax support grant to local councils. The majority of local authorities have taken this as a MTFP saving recognising that local councils have the ability to recover losses via increasing council tax. The county council agreed in 2013/14 to reimburse the full amount to local councils but that the grant would reduce in future years based upon the equivalent loss in Revenue Support Grant of the county council.
- 11 In discussions with local councils during 2012 it was clear that many local authorities did not intend to passport the local council tax support grant to local councils. It was agreed at that point that the county council would passport the full amount of £2.3 million to town and parishes subject to future RSG reductions for the county council. The share of the local council tax support grant still paid to local councils in 2021/22 is £1.35 million. The reduction in grant is commensurate with the significant reductions in RSG the county council has faced since 2013/14.
- 12 In recognition of the commitment from the county council in terms of continuing with the local council tax grant payments it was agreed that the £0.246 million 'double taxation' payment would be withdrawn

Eradicating Double Taxation - Special Expenses Schemes

- 13 The only option available to truly eradicate double taxation would be via the implementation of a special expenses scheme. The County Council will not consider providing any grant support / payments to local councils as it cannot be guaranteed that this will result in a reduction in the council tax paid locally by residents, therefore it cannot be guaranteed that Double Taxation has been eradicated.
- 14 A special expenses scheme would involve the County Council varying its Council Tax in different areas to reduce the amount payable to it.
- 15 To introduce a special expenses scheme would require the following;
- (a) local councils and the county council would have to agree the definition of what constitutes Double Taxation and which

functions carried out by local councils will fall into the scope of any exercise. There are two options:

- (i) Identify and focus on those areas service areas that have been delegated or devolved from the principal local authority;
 - (ii) Identify the functions and service areas undertaken by the local council that would otherwise be delivered by the County Council if the local council did not exist and to the standards and arrangements in place in unparished areas across the county.
- (b) for each of these functions identified, every local council would need to commit to a forensic breakdown of their budgets and would be required to provide detailed information on the inputs to provide the service (staffing, materials etc), the service standards (how often works are carried out and the what the standards are of delivery etc) and details and any income received to offset any such costs;
- (c) consideration would need to be given as to the auditing / verification of the information provided, which would need to be on an open book basis;
- (d) the county council would identify which of those services it would provide if the local council did not exist and what the service standards would be for the functions identified as being in scope and what the unit costs of delivery would be if the county council were undertaking these services;
- (e) based upon the input from all local councils and the county council a value of service provision at county council standards and costs would be identified for each local council;
- (f) the county council precept value would then need to be reduced for each local council area by the sum identified. This will result in the county council precept being different for every local council area, result in increased complexity in terms of administration of the council tax system and for residents and ultimately result in the county council losing significant amounts of council tax;
- (g) the Special Expenses scheme would need to be reviewed every year to ensure the Council Tax charged remained valid and local councils will need to provide updated information to the county council to ensure all such functions are still carried out and to

what volume. The county council would also need to annually update all unit costs to revise the deduction from precept;

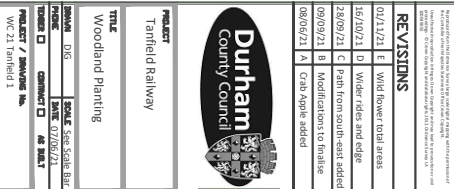
- 16 To enable the special expenses option to be progressed extensive work would be required by both local councils and the county council to identify the functions in scope, the inputs to service provision and service standards as well as the cost of the functions. This could not be completed in time for 2022/23 budget setting and it is uncertain whether this could be completed and agreed in time for 2023/24 budget setting.
- 17 The county council would also need to consider how to address what could be a significant reduction in council tax.

Summary

- 18 To truly address the issue of Double Taxation, the only viable option is via the introduction of a Special Expenses scheme, whereby the County Council would vary (reduce) its council tax charge in parished areas.
- 19 The County Council will not consider the provision of any grant to local councils to “address” Double Taxation.
- 20 This requires the co-operation and input from all local councils on an open book basis and significant work will be required to scope and cost the service provision, regardless of the definition of what constitutes Double Taxation. At para 15(a) the two definitions of what constitutes Double Taxation are outlined.

Recommendations

- 21 LCWG are requested to discuss the contents of this report and specifically:
 - (a) Whether all CDALC members would commit to undertaking such and exercise in light the proposed approach to addressing Double Taxation (i.e. via a Special Expenses Scheme);
 - (b) Discuss the ToR / definition and scope of any such exercise; and
 - (c) Consider the timeframes for undertaking such an exercise.





DECISION NOTICE: NO FURTHER ACTION

Complaint Reference - COM 376

The Governance Solicitor considered a complaint from Councillor Christine Bell concerning the alleged conduct of Councillor Carl Marshall of Stanley Town Council and Durham County Council in accordance with Durham County Council's Procedure for Local Assessment of Complaints ("the Procedure").

The Procedure requires the Monitoring Officer to ensure that all Code of Conduct complaints are assessed as soon as reasonably possible, and normally within 20 working days. The Monitoring Officer, in consultation with the Independent Person where appropriate, will ensure that the complaint is considered and decide if any action should be taken on it.

The Monitoring Officer has delegated responsibility for the initial assessment of Code of Conduct Complaints to the Governance Solicitor.

Following initial assessment of the complaint, there are four possible outcomes:

- (a) That no action should be taken in respect of the complaint
- (b) To seek local resolution
- (c) To refer the complaint for investigation
- (d) To refer the complaint to the Standards Committee

Where the complaint is against a person who is no longer a Member of the Council, but is a member of another relevant authority, it may be referred to the Monitoring Officer of that other relevant authority if this is more appropriate.

This decision notice is produced to record the decision taken following initial assessment and includes the main points considered, the conclusion and the reasons for that conclusion. It will be available for inspection at the offices of the Council for six years beginning with the date of the decision. However, the decision notice will not be made available for inspection until the member who was the subject of the complaint has received it.

Complaint

It is alleged that [redacted] blamed Derwentside Independents for the collapse of the Ritson street project during a meeting of Stanley Town Council. The Member also gave an interview to the Northern Echo repeating the allegation which to be untrue.

Relevant Code of Conduct

The allegations in respect of the complaint relate to conduct as both a County Councillor and Town Councillor. The relevant provisions of the Town Council Code of Conduct are:

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
3. He/she shall not behave in a manner which a reasonable person would regard as likely to bring the Council, or his/her office as a member of the Council into disrepute.

In respect of the County Council Code the relevant paragraphs are:

- (g) Contribute to making the Authority's decision-making processes as open and transparent as possible to ensure residents understand the reasoning behind those decisions and are informed when holding the Authority to account but restricting access to information when the wider public interest or the law requires it;
- (h) Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources;
- (i) Value colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government;
- (j) Always treat people with respect, including the organisations and public they engage with and work alongside;
- (k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority;

Response of the Member

The Member made the comments in relation to a decision taken by the Council to not proceed with a levelling up bid for the local area he serves. The Member believes that it is important that decisions are reported locally and that the Council is held to account for the decisions. The Member states that he has given an opinion that these decisions in his view were not in the interests of his community, something that the residents who vote for him would expect him to do.

Decision

The Governance Solicitor has decided that no further action is required in respect of this complaint.

Reasons for decision

The Complainant as a fellow Councillor acknowledges that debate and having different views are all part of health democracy stating that "Members should express, challenge, criticise and disagreement with views, ideas, opinions and policies in a robust but civil manner." This however should not include a personal attack.

The Complainant has not as part of the complaint presented any information which suggests that they were the subject of a personal attack from the Member.

It is considered that the comments made by the Member fall within the protection of Article 10 of the European Convention on Human Rights, specifically the right to hold your own opinions and to express them freely without government interference. This includes the right to express views verbally or in writing, such as in published articles or leaflets or on the internet and social media. This right is enhanced for Councillors in respect of political speech.

Article 10 is a qualified right, and must be balanced between the right of individuals to express points of view which others may find offensive or insulting, and the rights of others to be protected from hatred and discrimination

On review of the details presented as part of the complaint, the Governance Solicitor does not find that there is any speech either verbal or in writing which falls outside of the protection Article 10 and for this reason no further action is recommended.

This decision notice is sent to the Complainant, the Clerk to Stanley Town Council and the Member against whom the allegations were made.

Right of Appeal

Code of Conduct complaints are governed by the provisions set out in the Localism Act 2011. The Localism Act 2011 does not allow a right of appeal and this decision is final.

Terms of reference

The Localism Act 2011

Signed

K.Coulson-Patel

Kamila Coulson-Patel Governance Solicitor Date: 22 November 2021

PROCEDURE DOCUMENT

Name of Policy:	Time Off In Lieu (TOIL) Procedure
Date policy created:	28 th January 2019
Author:	Alan Shaw (Town Clerk)
Date endorsed by Policy Working Group	7th September 2019
Signed: (Chair of Finance & General Purposes Committee)	
Date adopted by Full Council:	
Signed: (Chair of Council)	

TIME OFF IN LIEU (TOIL) PROCEDURE

1 Introduction

1. What is the TOIL procedure about?

The Council recognises that it is necessary for employees to undertake work outside normal working hours, either on a contractual or voluntary basis. The Council has decided to utilise the national agreed conditions within Green Book as a basis for how this additional time is managed, by allowing staff to take Time Off In Lieu (TOIL) of additional hours worked outside of their normal working hours.

In exceptional circumstances and only with the written approval of the Town Clerk, following consultation and agreement with the Leader of the Council, can additional hours worked be paid outside of the TOIL policy.

The purpose of this procedure is to ensure that managers and employees are aware of the Councils arrangements for managing any TOIL and ensuring these arrangements are applied consistently.

1.2 Who does the TOIL procedure apply to?

The arrangements apply to all staff working standard hours, and not those who will be entitled to payment for all hours worked (e.g. casual staff)

2 Procedure

The TOIL scheme aims to allow staff to take any additional hours back by taking time off from work to the value of the additional hours worked.

It is vital therefore that:

- actual time worked is recorded,
- additional hours worked is recorded,
- additional hours take back (TOIL) is also recorded

For time recording purposes staff will be provided with a time sheet to record their hours worked, and this time sheet must be signed off by a manager at the end of the accounting period.

Any staff wanting to take TOIL must do with the approval of the manager and it must be accounted for on the timesheet.

Any abuse of the TOIL system may be treated as a disciplinary matter.

2.1 Operating Hours

Standard full-time working hours are for 37 hours per week, and no member of staff should be expected to work in excess of 48 hours per week.

The core time that staff are expected to be at work is **9.30 to 16.30 Monday to Thursday and 9.30 to 16.00 Friday**, with a minimum of 30 mins to be taken as a break (lunch) though there can be some slight flexibility to start and finish times, to ensure the full 37 hour week is worked.

TOIL can be accrued between **7.00 and 22.00, seven days a week**, and additional hours can only be accrued as TOIL subject to the needs of the job and the approval of the manager.

2.2 Any additional hours worked that would be subject to TOIL need to be agreed in advance with the manager.

TOIL can only be accrued after contractual hours have been worked.

Any time taken by staff outside of core time (as stated in 2.1 above) TOIL must be used.

Employees are required to keep accurate records of hours worked and managers are expected to maintain suitable monitoring arrangements.

Managers can refuse to agree TOIL for hours that have not been agreed or evidenced correctly.

Managers must review employees time sheet on a monthly basis to ensure contractual hours are being worked and any TOIL is being correctly accounted for.

Any TOIL due should be taken as soon as practicable and within the needs of the service, in order to prevent excessive build-up of hours.

Any abuse of the scheme will be dealt with as a conduct matter.

2.3 Managers Responsibilities

Managers are responsible for:

- Ensuring staff are aware of the TOIL arrangements and procedure
- Ensuring the arrangements are applied in a fair and consistent manner
- Ensuring staff comply with the rules of the procedure
- Monitoring staff time worked and TOIL requests
- Ensure that any approved TOIL does not impact on service provision
- Checking time sheets monthly
- Dealing with any issues arising from poor time management by staff
- Taking any action following breach of these arrangements or procedure

3 Further Information and Contact Details

If you would like any further advice or would like the document in an alternative format, please contact the Town Clerk using the contact details below:

Stanley Town Council
Civic Hall
Front Street
Stanley
DH9 0NA

01207 299 109
info@stanley-tc.gov.uk