

THE DISTRICT COUNCIL OF CHESTER-LE-STREET

Report of the meeting of Council Meeting held in the Council Chamber, Civic Centre, Newcastle Road, Chester-le-Street, Co Durham, DH3 3UT on Thursday, 27 September 2007 at 6.00 pm

PRESENT:

Councillor Allen Humes (Chairman)

Councillor Allen Turner, Councillor Stephen Barr, Councillor Lancelot Edward William Brown, Councillor George Keith Davidson, Councillor Linda Ebbatson, Councillor Paul Ellis, Councillor Martin James Gollan, Councillor Ralph Harrison, Councillor Simon Antony Henig, Councillor Alan Keith Holden, Councillor Christopher John Jukes, Councillor William Laverick, Councillor Maureen Diana May, Councillor Peter Howard May, Councillor Philip Bernard Nathan, Councillor Keith Potts, Councillor Maureen Potts, Councillor Jacqueline Maria Proud, Councillor Derek Leslie Robson, Councillor Michael Sekowski, Councillor John Shiell, Councillor Tracie Jane Smith, Councillor David Thompson, Councillor Simon Christopher Lindsay Westrip and Councillor Frank Wilkinson

Officers: R Templeman (Chief Executive), L Chambers (Director of Resources), I Forster (Assistant Chief Executive), P Stephens (Acting Director of Community Services), I Herberson (Accountancy Manager), J Henderson (Revenues and Benefits Manager), A Hutchinson (Head of Planning and Environmental Health), C Potter (Head of Legal and Democratic Services), M Walker (Head of Regeneration), J Smerdon (Regeneration and Strategy Co-ordinator), M Smithson (Local Taxation Officer) and C Turnbull (Democratic Services Officer)

Also in attendance were S Nichol (District Auditor) and one member of the public.

47. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors G Armstrong, J W Barrett, R Court, S Greatwich, T H Harland, DM Holding and A Willis.

48. TO CONFIRM THE MINUTES OF THE MEETING HELD 26 JULY 2007

The minutes of the proceedings at the meeting of the District Council held on 26 July 2007 copies of which had previously been circulated, were submitted.

The Council RESOLVED:

“That the minutes be confirmed as a correct record.”

The Chairman proceeded to sign the minutes.

49. PUBLIC SPEAKING

No requests had been received from members of the public to speak at the meeting in accordance with the Council's agreed policy.

50. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS

The Head of Legal and Democratic Services advised that all Members had a personal but not prejudicial interest in item no. 13 relating to a Scheme of Members Allowances.

Councillors L E W Brown, L Ebbatson, C J Jukes and J Shiell declared personal and prejudicial interests in item no. 18 relating to Park View Trust Agreement.

51. REPORT OF THE AUDIT COMMITTEE HELD 15 JUNE 2007

The Council RESOLVED:

“That the report of the meeting of the Audit Committee held 15 June 2007, copies of which had previously been circulated, be accepted.”

52. REPORT OF THE AUDIT COMMITTEE HELD 22 JUNE 2007

The Council RESOLVED:

“That the report of the meeting of the Audit Committee held 22 June 2007, copies of which had previously been circulated, be accepted.”

53. REPORT OF THE AUDIT COMMITTEE HELD 5 JULY 2007

The Council RESOLVED:

“That the report of the meeting of the Audit Committee held 5 July 2007, copies of which had previously been circulated, be accepted.”

54. TREASURY MANAGEMENT 2006/2007

Consideration was given to a report from the Accountancy Manager on Treasury Management 2006/2007, copies of which had previously been circulated.

The Accountancy Manager spoke to the report and asked Members to note the borrowing levels referred to in section 8.5 of the report and the debt borrowing and investments rates referred to in section 13.1

Councillor R Harrison proposed, seconded by Councillor D Robson, that the recommendations in the report be approved.

The Council RESOLVED:

“1. That the actual 2006/2007 prudential indicators referred to in the report, be approved.

2. That the treasury management stewardship report for 2006/2007 be noted.”

55. STATEMENT OF ACCOUNTS 2006/2007

With reference to minute no. 33 of the meeting held 28 June 2007, consideration was given to a report from the Accountancy Manager advising that the audit of accounts had been completed and the amended accounts, following the audit, required approval by Council.

The Accountancy Manager spoke to the report and advised the amendments to the Statement of Accounts were detailed in section 5 of the report.

The Accountancy Manager advised of a helpful approach by District Audit staff and an improved working relationship.

Councillor L Ebbatson proposed, seconded by Councillor R Harrison, that the recommendation in the report be approved.

The Council RESOLVED:

“That the 2006/2007 Statement of Accounts amended following audit, be approved.”

(Councillor PH May abstained from voting on the motion)

56. ANNUAL GOVERNANCE REPORT

Consideration was given to the Annual Governance Report issued by the District Auditor following audit of the Council's accounts for 2006/2007. Copies of the report had previously been circulated to each Member.

Steve Nichol, District Auditor, presented the report and thanked Council Officers for their co-operation. He advised that the audit had gone very well and there was only one recommendation for improvement.

Councillor L Ebbatson advised the Council was pleased to receive the report and thanked the District Auditor for attending the meeting to present his report. She expressed thanks to the Audit Committee for keeping the Council on track; the Director of Resources and Accountancy Manager for their input; and Councillor SA Henig for the work he had done.

Councillor L Ebbatson proposed, seconded by Councillor CJ Jukes, that the report be accepted.

The Council RESOLVED:

“That the Annual Governance Report issued following audit of the Council’s accounts for 2006/2007, be accepted.”

57. REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council reported:

Key Decisions taken by the Executive were:

“REVIEW OF CORPORATE PRIORITIES

RESOLVED:

- 1 That the process for considering revising Council priorities and proposals as set out in Appendix 1 be agreed.
- 2 That the relevant decisions to be taken and appropriate timescales be included within the Forward Plan and Work Programme”

REVIEW OF CORPORATE GOVERNANCE

RESOLVED:

- 1 That the areas for action to ensure the Council meets the requirements of the new governance framework be noted.
- 2 That the Corporate Governance Steering Group be responsible for the development, implementation and monitoring of the detailed action plan.
- 3 That a verbal update on progress be provided at the November meeting of the Executive.
- 4 That the Leader discuss the effectiveness of Scrutiny in relation to the new governance framework at the next meeting of the Overview and Scrutiny Management Board.

LAND MATTERS

RESOLVED:

- 1 That the Executive agreed not to gift the land in question at this time.
- 2 That further discussions take place with residents in Henley Avenue with a view to agreeing a comprehensive scheme, uniform to all

properties with owner-occupiers paying, at cost, costs incurred in improving the frontage to their properties.”

Local Government Reorganisation

The Leader advised that a summary of the current position and timetable for key events was contained in the Members Update for September. She advised that the Council’s response to the Implementation Order discussion document from the Department of Communities and Local Government, and the Judicial Review would be dealt with at item no. 11 on the agenda.

Letter from the Cabinet Office

The Leader advised of receipt of a letter from the Cabinet Office regarding publication of the Government’s draft legislative programme that could be accessed ahead of the Queen’s Speech at www.hmg.gov.uk/draftlegislativeprogramme.

Durham County Cricket Club

The Leader advised that a Civic Reception for Durham County Cricket Club to acknowledge their success during the 2007 season would take place in the Civic Heart area of the Market Place at lunchtime on Monday 1 October 2007.

58. REPORTS FROM PORTFOLIO HOLDERS

a. Resources and Value for Money

There was no report from Councillor SA Henig.

b. Regeneration and Strategic Planning

Councillor CJ Jukes reported on the following;

- Homelessness – a grant of £20,000 had been received
- Town Centre Regeneration – short-listing had taken place for the project

c. Community Engagement and Partnership

Councillor S Barr reported on the following:

- ICT section received Charter Mark
- Access to the Intranet
- Community Engagement
- Local Democracy Week
- By Election in the Chester Central Ward
- Electoral Registration Annual Canvass
- Polling Districts/Polling Places/Polling Stations review
- Annual Fancy Dress Pub Rally

- Member Development
- Member Training Programme

d. Neighbourhood Services

Councillor SCL Westrip reported on the following:

- Members Update contained details of events within his portfolio
- Raw Tennis
- Away Day with the Planning and Environmental Health Teams

e. Health and Well Being

Councillor M Potts reported on the following:

- Careline – out of hours service to revert to in-house.
- Tea Dance for Careline clients
- Durham Sub-Regional Housing Strategy – The Durham Strategic Housing Market Assessment

Councillor SA Henig entered the meeting at 6.35pm

59. QUESTIONS TO LEADER AND EXECUTIVE MEMBERS

a. Councillor PH May enquired of Councillor CJ Jukes if proposals for the Town Centre Regeneration would include the provision of a new War Memorial or relocation of the existing memorials.

Councillor Jukes advised that the Town Centre Masterplan would be submitted to Council in December 2007.

b. The Leader requested Councillor Westrip to confirm that the Council had received two awards.

Councillor Westrip confirmed that Ouston and Waldrige had received bronze awards at the Northumbria in Bloom ceremony and that the Council had again won a Green Apple award for encouraging good environmental citizenship.

60. LOCAL GOVERNMENT REORGANISATION PROPOSALS - JUDICIAL REVIEW AND CONSULTATION RESPONSE

Consideration was given to a report from the Head of Legal and Democratic Services giving details of two urgent Council decisions that were made on 3 September 2007 by the Leader of the Council relating to a potential judicial review and delegation of authority to the Chief Executive to formulate a response to the Government's consultation paper.

The Leader advised that copies of the response document had been circulated to Members.

Councillor CJ Jukes proposed, seconded by Councillor GK Davidson, that the recommendation in the report be approved.

The Council RESOLVED:

“That the decisions made by the Leader of the Council, as detailed in sections 1.3 and 1.4 of the report, be endorsed.”

Councillor MJ Gollan left the meeting at 7.00pm.

61. APPOINTMENT TO VACANCIES FOR INDEPENDENT MEMBERS ON THE STANDARDS COMMITTEE

Consideration was given to a report from the Head of Legal and Democratic Services seeking approval to appoint two people to fill two vacancies of Independent Members on the Council’s Standard Committee and to appoint a third person as a standing reserve Independent Member.

Councillor L Ebbatson proposed, seconded by Councillor SCL Westrip, that the recommendations in the report be approved.

The Council RESOLVED:

“1. That Gill Stephenson be re-appointed to serve on the Standards Committee but in the capacity as an Independent Member for a four year period from 27 September 2007

2. That Leigh Henderson be appointed to serve as an Independent Member on the Standards Committee for a four year period from 27 September 2007.

3. That Article 9.2(a) of the Constitution (Membership) be amended so as to include a reserve Independent Member to only sit on the Standards Committee when one or more of the Independent Members is unable to attend a particular meeting.

4. That Jim Armstrong be appointed to the reserve position for a four year period from 27 September 2007.”

(Councillor PB Nathan voted against the motion)

Prior to consideration of the following item, the Head of Legal and Democratic Services advised that all Members needed to declare a personal but not prejudicial interest in the following item.

All Members present so declared a personal interest.

62. SCHEME OF MEMBERS ALLOWANCES AND RECOMMENDATIONS FROM THE INDEPENDENT REMUNERATION PANEL

With reference to minute no 167 of the meeting held on 22 June 2007, consideration was given to a report from the Head of Legal and Democratic Services on a Scheme of Members Allowances and Recommendations from the Independent Remuneration Panel.

Councillor GK Davidson proposed, seconded by Councillor SA Henig, that an all inclusive Basic Allowance, incorporating a communications allowance, be paid with effect from 27 September 2007.

The Council RESOLVED:

“1 That the current Scheme of Members Allowances be amended by the alteration of the Basic Allowance to £4755.14 (to include a communication allowance of £408) with effect from 27 September 2007 until further notice.

2. That the current ratios used to calculate the Special Responsibility Allowance remain unchanged so that the communications allowance element is not used in the calculation of the Special Responsibility Allowance.

3 That a new Scheme of Members Allowances be drafted by the Head of Legal and Democratic Services and submitted to a future meeting.”

(Councillors JM Proud and PB Nathan voted against the motion).

63. ALLOCATION OF FUNCTIONS AND RESPONSIBILITIES AND CONSEQUENTIAL DELEGATION OF COUNCIL POWERS UNDER THE SMOKEFREE LEGISLATION TO OFFICERS

Consideration was given to a report from the Head of Legal and Democratic Services advising that a Statutory Instrument would come into effect on 2 October 2007 making it a Council function to deal with smokeless legislation enforcement.

The Head of Legal and Democratic Services spoke to the report.

Councillor L Ebbatson proposed, seconded by Councillor GK Davidson, that the recommendation contained in the report be approved.

The Council RESOLVED:

“That the changes to the Council’s Constitution as set out in section 5.11 of the report be agreed and these changes be incorporated into the Constitution with effect from and including 2 October 2007.”

64. THE NORTH EAST ASSEMBLY AND THE ASSOCIATION OF NORTH EAST COUNCILS: PENSION PROVISION

Consideration was given to a joint report from the Director of Resources and the Head of Legal and Democratic Services seeking agreement for the Council to be party guarantor to the North East Assembly and the Association of North East Councils to enable them to be admitted as members of the Tyne and Wear Local Government Pension Scheme.

The Director of Resources introduced and spoke to the report.

Councillor SCL Westrip proposed, seconded by Councillor CJ Jukes, that the recommendation included in the report be approved.

The Council RESOLVED:

“That the Council act as guarantor of the fund under the joint arrangement with the other local authority members of the North East Assembly and the Association of North East Councils, provided that all other local authority members of the North East Assembly and the Association of North East Councils participate as guarantors.”

65. HOLIDAY ARRANGEMENTS - CHRISTMAS AND NEW YEAR

Consideration was given to a report from the Head of Organisational Development seeking approval to arrangements for Christmas and New Year period 2007/2008.

The Chief Executive introduced the report.

Councillor CJ Jukes proposed, seconded by Councillor S Barr, that the recommendations detailed in the report be approved.

The Council RESOLVED:

“1 That Christmas and New Year holiday arrangements for 2007/2008 be as follows: -

Monday 24 December 2007	Normal working day
Tuesday 25 December 2007	Christmas Day
Wednesday 26 December 2007	Boxing Day
Thursday 27 December 2007	Extra Statutory Holiday
Friday 28 December 2007	Extra Statutory Holiday
Monday 31 December 2007	Concessionary Day
Tuesday 1 January 2008	New Year's Day
Wednesday 2 January 2008	Official return to work

2 That employees who are required to work on extra statutory holidays be given time in lieu to be taken at a later date in consultation with the appropriate Service Team Manager.”

Councillor JM Proud left the meeting at 7.20pm
Councillor D Thompson left the meeting at 7.22pm

66. EUROPEAN CHARTER FOR EQUALITY OF WOMEN AND MEN IN LOCAL LIFE

Consideration was given to a report from the Performance and Improvement Manager recommending the adoption of a draft European Charter Statement and Action Plan for Equality of Women and Men in Local Life

The Assistant Chief Executive introduced the report.

Councillor PB Nathan commended the clarity of the document and requested that for this report and for future reports the cost implications be made known.

Councillor L Ebbatson proposed, seconded by Councillor M Potts, that the recommendation in the report be approved.

The Council RESOLVED:

“That the draft European Charter for Women and Men in Local Life be adopted.”

Prior to consideration of the following item Councillors CJ Jukes, L Ebbatson, J Shiell, T Smith and LEW Brown declared personal and prejudicial interests and left the meeting.

67. PARK VIEW TRUST AGREEMENT

Consideration was given to a joint report from the Director of Development Services and the Head of Legal and Democratic Services regarding the Trust Deed Agreement for Park View Community School.

The Head of Legal and Democratic Services introduced the report and advised that recommendation 7.1 in the report should be amended by the insertion of ‘for the District Council’ in the second line after ‘retained’.

Councillor SCL Westrip proposed, seconded by Councillor S Barr, that the recommendations in the report be approved.

The Council RESOLVED:

“That provided representation rights of the District Council and the free access to the shared facilities are retained for the District Council, the following proposals be supported;

- a) The 1981 Trust Deed be brought to an end
- b) Park View Community Association enter into a new Trust Deed based on its constitution and charitable status

- c) Park View Community School Governors, the Park View Community Association and Durham County Council enter into a Transfer of Control Agreement to document Park View Community Association's use of Park View Community School."

Councillors CJ Jukes, L Ebbatson, J Shiell, T Smith and LEW Brown returned to the meeting.

68. LOCAL DEVELOPMENT FRAMEWORK -ISSUES AND OPTIONS CONSULTATION

Consideration was given to a report from the Head of Regeneration seeking approval to two Local Development Framework Issues and Options documents.

The Head of Regeneration introduced the report and advised that the Core Strategy would be in place before April 2009.

Councillor GK Davidson proposed, seconded by Councillor R Harrison, that the recommendation in the report be approved.

The Council RESOLVED:

"That the draft Core Strategy and Generic Development Policies Issues and Options documents be approved for public consultation."

69. RATE RELIEF POLICY

Consideration was given to a report from the Head of Revenues and Benefits seeking approval to a new discretionary rate relief policy.

The Head of Revenues and Benefits introduced the report.

Councillor SA Henig proposed, seconded by Councillor S Barr, that the recommendation in the report be approved.

The Council RESOLVED:

"That the new rate relief policy detailed on the appendix to the report, be approved."

70. COMMON SEAL

The Council RESOLVED:

"That the action of the Officer in affixing the Common Seal of the Council to the following documents be confirmed:

Transfer in duplicate relating to 67 Second Avenue, Chester-le-Street
The Chester-le-Street District Council (Diversion of Bridleway No. 56 Little Lumley Parish, Morton House, Fencehouses) Public Path Diversion Order 2007 in duplicate

The Chester-le-Street District Council (Diversion of Footpath No 5 North Lodge Parish, Chester-le-Street) Order 2007, in duplicate.

Lease in duplicate made between Chester-le-Street District Council and the Sacriston Community and Sports Trust Title: DU230485

Lease in duplicate made between Chester-le-Street District Council and the Sacriston Community and Sports Trust Title: DU231214

Deed of Release and variation relating to covenants affecting land at Sacriston, Co Durham made between the Coal Industry and Chester-le-Street District Council

Transfer in duplicate relating to 73 Wynyard, Chester-le-Street

Transfer in duplicate relating to 19 Seventh Avenue, Chester-le-Street

Counterpart lease relating to office unit at former Mechanics Institute

Transfer and duplicate relating to 41 Jubilee Close, Edmondsley

Form DS1 relating to 2 Third Avenue, Chester-le-Street

Transfer in duplicate relating to 70 The Oval, Ouston

Transfer in duplicate relating to 44 Ernest Street, Pelton

Transfer in duplicate relating to land to rear of 10 Nicholsons Terrace, Beamish”

71. EXCLUSION OF PUBLIC AND PRESS. TO RESOLVE:

The Council RESOLVED:

“That under Section 100A of the Local Government Act 1972, the Public and Press be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.”

72. Service Restructure

Consideration was given to a report from the Head of Planning and Environmental Health seeking approval to proposals for a new structure for the Planning and Environmental Health Service.

The Head of Planning and Environmental Health introduced the report.

Councillor SCL Westrip proposed, seconded by Councillor GK Davidson, that the recommendation in the report be approved.

The Council RESOLVED:

“That the new structure for the Planning and Environmental Health Service as detailed on the appendices to the report be approved.”

The meeting terminated at 7.46 pm