

City of Durham

At a Meeting of the **COUNCIL** held in the Town Hall, Durham, on Tuesday, 11th July, 2006, at 5.30 p.m.

Present: The Right Worshipful the Mayor of Durham, Councillor Lodge (in the Chair) and Councillors Bell, Carr, Colledge, Cowper, Crathorne, Dickie, Gibbon, Graham, Griffin, Hawgood, Hepplewhite, Holland, Hopgood, Howarth, Jackson, Kinghorn, Leake, Lightley, Marsden, Moderate, Norman, Pape, Pitts, Rae, Reynolds, Robinson, Rochford, Shaw, Simmons, Simpson, Smith, Southwell, Syer, Taylor, Thomson, Turnbull, Walker, Wolstenholme, Wynn and Young.

130. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummings, Gill, Kellett, McDonnell, Stoddart, van Zwanenberg, Walton and Woods.

131. MINUTES

The Minutes of the Meeting held on 3rd May, 2006 and 29th June, 2006, were confirmed as a true record and signed by the Mayor.

132. PRESENTATION OF LONG SERVICE CERTIFICATES

The Mayor presented Long Service Certificates to Mrs. T. Anderson and Mrs. A. Armitage, who had completed more than twenty five years' service with the City Council. Members and Officers warmly applauded.

133. MAYOR'S ANNOUNCEMENTS

The next meeting of the Mayor's Appeal Committee would be held on 19th July, 2006 at 4.30 p.m. in the Town Hall.

134. QUESTIONS UNDER COUNCIL PROCEDURE RULE NO. 9.2

- (a) The following question was received, by the due date, from Councillor Marsden and was addressed to the Chairman of the Licensing Panel.

"Will the Chairman of the Licensing Panel please say, firstly, whether the new licensing regime has had an impact on crime figures in the City of Durham District, and if so what this has been, and secondly whether she believes the doubling of the allowance paid to herself and her vice-chairperson reflects a doubling of the time they have spent on being responsible for this new regime?"

The Chairman of the Licensing Panel thanked Councillor Marsden for his question and indicated:

"That a written reply to the question would be given to Councillor Marsden."

- (b) The following question was received, by the due date, from Councillor Robinson and was addressed to the Portfolio Holder for Environment and Leisure.

"Will the Portfolio Holder responsible for leisure provision please list what new play equipment has been installed in the district since May 2003 and where, and at what cost in each case?"

The Leader of the Council advised Councillor Robinson that Councillor Woods would give a written reply to the question.

- (c) The following question was received, by the due date, from Councillor Syer and was addressed to the Portfolio Holder for Finance.

“Will the Portfolio Holder responsible for Finance please report what additional income, by way of interest obtained, was gained by collecting direct debit Council Tax payments on 28th April instead of on 2nd May this year? Will he also report whether this additional income will be paid to a charitable cause rather than held in the Council's reserves?”

The Portfolio Member for Finance thanked Councillor Syer for his question and indicated:

“The May direct debit instalments for Council Tax, due 2nd May, 06 were, as my friend has indicated, in fact collected in error on 28th April, 2006. This was a pure human error regarding the transmission date included on the file sent to BACS and one which the previous Portfolio Holder for Finance apologised for at the time in the local press.

I can assure members that when the error came to light, which was the day before the instalments were to be collected, officers investigated whether this could in fact be stopped and the instalments reversed. However, this was not possible – the earliest it could be reversed was, because of the bank holiday weekend, the following Tuesday, the day the original instalment was due.

It seemed sensible therefore not to recall the Direct Debits and deal with any issues or complaints that subsequently arose. Members should note that the Direct Debit Indemnity Scheme protects taxpayers in such circumstances and any charges incurred would be reimbursed by the City Council. Officers in Revenues Services subsequently briefed officers in Customer Services regarding the problem and all complaints / queries were subsequently dealt with. I would commend the sensible and effective action taken to mitigate this issue by Finance and Customer Services staff.

For information, as the specific figures have been requested, the total amount collected on 28th April, 2006 – one working day earlier than would otherwise have been the case – was £2,010,990.28, from 18,730 taxpayers. The interest rate on the Council's call account that day was 4.25%. The cash received was deposited in the call account over the weekend, being drawn down on the Tuesday morning to offset the precept payments to the County Council, Police and Fire Authorities, which were due that day. The total interest earned by the City Council was therefore £936.62.

This is taxpayers money and as such will be retained by and for the benefit of local taxpayers, in this and subsequent years. I would not therefore propose that this interest be paid to a charitable cause.

I would add in summary that, although regrettable and in spite of the internal controls and procedures in place, sometimes people make mistakes and that only 12 written complaints from the 18,730 taxpayers that were affected were subsequently received and these have all been given a written apology.”

- (d) The following question was received, by the due date, from Councillor Syer and was addressed to the Chairman of the Development Control Committee.

“Will the Chairperson of Development Control please report what Section 106 payments have been agreed by the Council in lieu of play and amenity provision within housing developments since May 2003, which developments those were, which of these payments have been received and what sums have been paid out from this source of funding, detailing the provisions that have benefited?”

The Chairman of the Development Control Committee thanked Councillor Syer for his question and indicated:

“As the same information had been requested to be the subject of a report to Development Control Committee in the future, the information is being collated and a written reply will be given to Councillor Syer as soon as the report is ready.”

135. NOTICES OF MOTION

- (a) In accordance with Council Procedure Rule No. 24.2 and Minute 517(c), 27 February 2006.

Notice having been duly given Councillor Griffin moved and Councillor Bell seconded on behalf of Councillor Cummings:-

“This Council believes that motions to full Council meetings should be disallowed if they do not relate to a matter for which the Council has a responsibility or which uniquely or disproportionately affects the City of Durham, and resolves to introduce an amendment to the Council's Procedure Rule No. 12.3 accordingly.”

The MOTION on being put was declared LOST.

Note: Councillor Southwell declared a personal interest in the undermentioned motion and remained in the Meeting during consideration thereof.

- (b) Notice having been duly given Councillor Hepplewhite moved and Councillor Taylor seconded:-

“This Council welcomes the focus on swimming provision in the Durham City area and supports the aim of equal access for all in the district.”

Councillor Holland moved and Councillor Reynolds seconded:

“This Council welcomes the focus on swimming provision in the Durham City area which will be greatly enhanced by the construction of the new pool and congratulates the Liberal Democrat administration for its foresight and ambition in making this a reality. It supports the aim of equal access to all our leisure facilities in the district.”

The AMENDMENT on being put was CARRIED and it was RESOLVED ACCORDINGLY.

Note: Councillor Crathorne left the Meeting at 6.30 p.m.

- (c) Notice having been duly given Councillor Turnbull moved and Councillor Bell seconded on behalf of Councillor Cummings:-

“This Council believes that significant benefits are derived from directly employing people to deliver services and will only consider the option of outsourcing in exceptional circumstances.”

Councillor Reynolds moved and Councillor Southwell seconded:

“This Council believes that some benefits are derived from directly employing people to deliver services and will consider outsourcing as part of the Government’s directive to provide good quality cost effective services.”

The AMENDMENT on being put was CARRIED and it was RESOLVED ACCORDINGLY.

Note: *Councillor Hawgood left the Meeting at 6.45 p.m.*

- (d) Notice having been duly given Councillor Syer moved and Councillor Hepplewhite seconded:-

“This Council believes that Durham City News does not give value for money to the people of Durham.”

The MOTION on being put was declared LOST.

- (e) In accordance with the provisions of Council Procedure Rule No. 12.2, Councillor Reynolds on behalf of Councillor Woods had requested that the following Motion be withdrawn:-

“This Council is opposed to further road charging or the build of an inner relief road as options to control traffic congestion in Durham City and supports the following:

- research to assess the success of the park and ride on congestion
- the introduction of travel plans for all the City's major employers
- investment in better public transport
- better provision for cyclists and pedestrians
- development of an independent car club
- development of a car share programme
- further development of the Safe Routes to Schools Programme

This Council believes that these options would reduce congestion and lower carbon emissions whilst maintaining the vibrancy of the retail and business options in the city centre.

This Council believes that road charging or build of an inner relief road would seriously damage Durham and its people.”

Report of Chief Executive

136. CORPORATE PERFORMANCE PLAN 2006-2009

The Local Government Act 1999 required all best value authorities to prepare an annual Performance Plan. This statutory requirement provided an opportunity for the Authority to detail its:

- 1.1.1 Strategic objectives and priorities for improvement which reflect the corporate/business planning processes and community strategy.
- 1.1.2 Arrangements for addressing the Authority's improvement priorities, particularly the opportunities and weaknesses identified in CPA, and the outcomes that were expected to be achieved.
- 1.1.3 Performance over the past year on all Best Value Performance Indicators, including targets for future performance.

The Corporate Performance Plan 2006-09 had been produced in accordance with these requirements, and copies had been placed in the Members Room or could be viewed on the Council's website www.durhamcity.gov.uk.

Resolved: That the content of the Corporate Performance Plan 2006 – 2009 be agreed.

The Mayor had agreed to accept, as a matter of urgency, and due to the time factor involved, the Supplementary Report of the Director of Legal and Administration Services in relation to the Appointment of Deputy Leader of the Council.

Report of the Director of Legal and Administration Services

137. AMENDMENTS TO THE CITY COUNCIL'S CONSTITUTION

Part 3 – Responsibility for Functions

Paragraph 12 – Page 28C Cabinet Member for Housing

Portfolio Holders had requested that item 12 as set out below be transferred to the responsibility of the Leader of the Council.

“to advise the Cabinet on strategic planning issues”

Part 4 – Rules of Procedure

Paragraph 11.5 – P 12D Petitions by the Public

The Leader had requested the following amendment to Paragraph 11.5 of the Constitution in relation to Petitions by the Public.

Delete 2nd paragraph and replace with

“A response to the petition may be given by the appropriate Portfolio Holder or Chairman of the relevant Committee and the petition will be referred to the next meeting of Cabinet or appropriate Scrutiny Committee/Panel for detailed consideration.”

Paragraph 23 – P 21D Recording of Council Proceedings

Further to Minute 42 of the Cabinet Meeting held on 17th May, 2006, amendments had been proposed to the Constitution to reflect the Recording of Council Meetings.

Circulated was a copy of the amendments to be made.

Resolved: That the Constitution be amended to reflect these changes.

138. LICENSING STRATEGY

The Director of Legal and Administration Services submitted a comprehensive report to approve the first annual review of the Council's Licensing Strategy. The Strategy was first approved at the Council meeting held on 11th July 2005.

Resolved: That the revised Licensing Strategy be approved.

139. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL

It was noted at the Cabinet Meeting held on 17th May, 2006, that Councillor Holland would act as Deputy Leader for the ruling group.

The majority group had nominated Councillor Holland as Deputy Leader of the Council to replace Councillor Wynn.

Resolved: That the appointment be formally approved.

Report of Director of Strategic Resources

140. ANNUAL REPORT OF THE RISK MANAGEMENT WORKING GROUP

The Director of Strategic Resources submitted a comprehensive report for information that outlined the activities of this Group since April 2004, its performance against the targets set in the High Level Action Plan and considered future action plans.

The report had been considered by Cabinet at the Meeting held on 5th April, 2006.

Resolved: That the report be noted.

The Meeting terminated at 7.00 p.m.

Mayor