

## City of Durham

At a Meeting of the **COUNCIL** held in the Town Hall, Durham, on Tuesday, 12<sup>th</sup> September, 2006, at 5.30 p.m.

**Present:** The Right Worshipful the Mayor of Durham, Councillor Lodge (in the Chair) and Councillors Colledge, Cowper, Cummings, Dickie, Freeman, Gibbon, Graham, Griffin, Hepplewhite, Hopgood, Howarth, Jackson, Kinghorn, Leake, Lightley, Marsden, Moderate, Pape, Pitts, Rae, Reynolds, Robinson, Rochford, Shaw, Simmons, Smith, Southwell, Stoddart, Syer, Taylor, Thomson, Turnbull, van Zwanenberg, Walton, Wolstenholme, Woods and Young.

### 227. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell, Carr, Crathorne, Gill, Hawgood, Holland, McDonnell, Norman, Simpson, Walker and Wynn.

### 228. MINUTES

The Minutes of the Meeting held on 11<sup>th</sup> July, 2006 and 2<sup>nd</sup> August, 2006, were confirmed as a true record and signed by the Mayor.

### 229. MAYOR'S ANNOUNCEMENTS

- (a) There would be a fashion show held in the Town Hall 24<sup>th</sup> October, 2006 in aid of the Mayor's Appeal.
- (b) The Mayor announced that the Invincible Bell had been polished by The Royal Naval Association of Durham but further cleaning was required and would be carried out at a later date.

**Note:** 5.35 p.m. Councillor Graham joined the Meeting.

- (c) The Portfolio Member for Environment & Leisure had represented the Mayor at the Northumbria in Bloom Awards at Alwick Gardens and was happy to present the Mayor with the following awards.

#### **B.B.C. Radio Newcastle Trophy – Best Small Village**

Silver: Shadforth  
Sunderland Bridge

Bronze: Littleton  
Shincliffe

#### **Wansbeck Trophy – Best Village**

Bronze: High Shincliffe

#### **William Leech Trophy – Prisons, Colleges, Universities & Sports Grounds**

Winner University of Durham

The Portfolio Holder for Environment and Leisure asked if the Mayor could present the Silver Plate to the University of Durham in due course.

### **Biodiversity Discretionary Award**

Winner            City of Durham

### **Scottish and Newcastle Trophy – Best Small City**

Silver Gilt Trophy Winner – Durham City

The Mayor thanked the Portfolio Member for Environment and Leisure on behalf of the City for her attendance at the award ceremony and thanked the Environment and Leisure Department for all their hard work.

### **Report of Director of Legal and Administration Services**

#### **230. CONSTITUTION – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

It was considered appropriate to make provision within the Constitution for mandatory and discretionary licensing schemes in the private sector.

At the present time the Portfolio for Environment and Leisure included the exercise of functions in respect of strategic licensing issues and the Constitution contained a list of matters which were included within this delegated authority. To ensure that responsibility for houses in multiple occupation was specifically included, it was proposed to add a reference to mandatory and discretionary licensing schemes in the private sector including houses in multiple occupation to the list of functions at item 9 on page 37C.

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

#### **231. DEVELOPMENT CONTROL COMMITTEE – MEMBERSHIP**

Correspondence had been received from Councillor Lodge indicating that Councillor Dickie would like to step down from the Development Control Committee and that he replaces his colleague on the Development Control Committee.

**Resolved:** That Councillor Lodge replace Councillor Dickie on the Development Control Committee for the ensuing Municipal Year.

#### **232. TERMS OF REFERENCE – STANDARDS COMMITTEE**

Council at its meeting in November 2005 considered the issue of terms of reference for the Standards Committee. This was pursuant to a request by the Standards Committee that the terms of reference be extended to include the following provisions:-

- a. Monitoring and reviewing performance under the Council's corporate complaints procedure and monitoring investigations conducted by the Local Government Ombudsman.
- b. The overview of the Council's confidential reporting policy.

The decision of Council at that time was that the terms of reference of the Standards Committee should remain unchanged but that these could be reviewed at Annual Council in May 2007.

The Standards Committee had asked Council to reconsider the request at the earliest opportunity. Mr Ingleby, the Independent Chairman of the Standards Committee was in attendance at the meeting and spoke in support of the request.

The Leader moved that no further action be taken on the request in the light of the changes which were proposed to the terms of reference of the Audit Overview Committee and the need to ensure there was no duplication or confusion between the roles of those respective committees.

Councillor Syer moved an amendment that by way of a compromise there should be consultation with the Standards Committee with a view to splitting workload between that Committee and Audit Overview.

The amendment on being put to Council was declared lost.

**Resolved:** That no further action be taken on the request.

Note: 5.55 p.m. Mr Ingleby left the Meeting

**233. PREVIOUS QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE NO. 9.2**

In accordance with Min 411(b), 10<sup>th</sup> January, 2006, attached at Appendix 'A' is a copy of written replies to previous questions asked by Members under Council Procedure Rule No. 9.2.

**234. QUESTION UNDER COUNCIL PROCEDURE RULE NO. 9.2**

- (a) The following question was received, by the due date, from Councillor Taylor and was addressed to the Deputy Leader of the Council.

“At the last meeting of this council, in response to a Labour motion asking that this council concentrate on debating matters for which we have responsibility. The Deputy Leader stated that members should not be gagged.

At a meeting of this Council's Cabinet earlier this year, I asked the Leader of the Council's permission to ask a question, as requested by a Brandon resident that I am elected to represent. The Leader refused to allow me to ask this question.

Could the Deputy Leader tell me which is worse? Being asked to concentrate on matters that this council has responsibility for? Or being gagged from asking a question at Cabinet on a matter that this council has responsibility for, on behalf of a member of the public that I am elected to represent.”

In the absence of the Deputy Leader, Councillor Taylor withdrew the question and said he would pose the question at a future meeting.

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

“Will the Portfolio Holder for Environment and Leisure Services please say how many Town Hall hire bookings have been made since 1st April 2006, and how much income has been received for these bookings during this period?”

The Portfolio Holder for Environment and Leisure Services thanked Councillor Marsden for his question and indicated:

Town Hall Bookings from April to September 2006 were 58. Income for those bookings was £21, 149.00

## 235. NOTICES OF MOTION

- (a) Notice having been duly given Councillor Rochford moved and Councillor Syer seconded:-

"This Council resolves to establish a special Scrutiny Committee to scrutinise the development and operation of the Swimming Pool and Leisure Facility in Durham City Centre, with particular reference, in the first place, to the Swimming Pool Business Plan and the Swimming Pool Risk Register."

The Motion, on being put, was declared Lost.

- (b) Notice having been duly given Councillor van Zwanenberg moved and Councillor Freeman seconded:-

"This council supports the principles underlying the 'Protection of Private Gardens Bill' and requests those who represent us in the House of Commons to support this Bill when it is considered by Parliament on 20th October 2006"

Councillor Syer moved and Councillor Griffin seconded that the Motion be amended to read:

"This Council supports the principles underlying the 'Protection of Private Gardens Bill' and requests those who represent us in the House of Commons to support these principles when this bill is considered by Parliament on 20<sup>th</sup> October, 2006 and resolves wherever possible to resist the development of gardens and green spaces within settlement boundaries in the district of the City of Durham".

The amendment on being put was declared Lost.

The Substantive Motion, on being put, was carried and it was resolved accordingly.

### **Report of the Director of Strategic Resources**

## 236. CAPITAL STRATEGY AND ASSET MANAGEMENT PLAN

The City of Durham had produced a Capital Strategy and Asset Management Plan in 2003. These strategies and plans were assessed as good by Government Office North East.

The City Council's Capital Strategy and Asset Management Plan had been revised and now reflected:

- ◆ the three key strategic aims of Flourishing Communities, Quality Public Services and Capital City
- ◆ the extensive plans to refurbish and replace existing facilities, outlined in 'Achieving the Vision'. This included a new Swimming Pool
- ◆ the establishment of the Flourishing Communities Funds and Community Chests, which would invest in the regeneration of our communities
- ◆ revised arrangements for the management of the capital programme, including the introduction of project management
- ◆ more robust arrangements for the management of the Council's assets
- ◆ improved consultation with the public and key stakeholders

These plans were now closely aligned to the Council's Corporate Performance Plan, Medium Term Financial Plan and Business Plans.

Consultation had taken place with representatives of the business community and members of the View Point Panel, acting as representatives of the public. This took the form of focus groups, which allowed greater exploration of these plans and their underlying issues. Both groups were generally supportive of the Council's proposals and recognised the challenging environment in which the Council operates.

A copy of the revised Capital Strategy and Asset Management Plan had been placed in the Members Room.

**Resolved:** That the Capital Strategy and Asset Management Plan be approved.

### **237. MEDIUM TERM FINANCIAL PLAN**

The Council had for many years forecast its resource requirements over the medium term. A formal Medium Term Financial Plan had now been produced. This was closely aligned to the Council's Corporate Performance Plan, Capital Strategy, Asset Management Plan and other key strategies and service plans of this Council.

This Medium Term Financial Plan sets out the overall shape of the Council's budget by determining how available resources would be allocated between services, reflecting council priorities and therefore provided a framework for the preparation of annual budgets. It sets out the current projected revenue and capital plans for 2005-2011 to support the Council's Corporate Plan, recognising the announcements made in the government's 2004 Spending Review.

Consultation had taken place with representatives of the business community and members of the View Point Panel, acting as representatives of the public. This took the form of focus groups, which allowed greater exploration of these plans and their underlying issues. Both groups were generally supportive of the Council's proposals and recognised the challenging environment in which the Council operates.

A copy of the revised Medium Term Financial Plan had been placed in the Members Room.

**Resolved:** That the Medium Term Financial Plan be approved.

### **Joint Report of the Director of Legal and Administration Services and Director of Strategic Resources**

### **238. REVIEW OF TERMS OF REFERENCE OF AUDIT OVERVIEW COMMITTEE**

When the Audit Overview Committee was established in January 2002, the Council agreed the following terms of reference, as set out on Page 5a of the Constitution:

"An Audit Overview Committee has been established comprising six Councillors, to independently ensure sound corporate governance, strong internal controls, probity and the effective use of resources. The Committee will meet quarterly.

The Audit Overview Committee will have the following roles and functions:

- ◆ to promote internal control by systematically appraising and monitoring internal controls and reviewing financial procedures;
- ◆ to develop an anti-fraud culture by receiving annual reports on the systems and controls in place to prevent fraud, periodic reports on the extent of fraud and reports of special investigations;
- ◆ to focus audit resources by approving audit plans and monitoring audit delivery;
- ◆ to monitor audit performance by ensuring Auditor/Officer collaboration, securing timely preparation and response for audit reports, monitoring the finalisation of annual accounts and ensuring the implementation of audit recommendations.”

The City of Durham was one of the first local authorities to establish an Audit Committee. This Committee has been very effective in strengthening internal controls, monitoring audit performance, focusing audit resources and developing an anti-fraud culture. The Committee’s role has also developed. It has provided a robust challenge to the Executive, has reviewed the Statement of Accounts very effectively and in some detail annually, and has ensured that a sound Statement of Internal Control, and the supporting assurance framework, has been put in place.

The Committee in its operations, now fulfils the main requirements of an Audit Committee. Its membership has increased, drawn from all parties. Its Chair and Vice Chair are no longer members of the Executive, and only 2 members of the Executive sit on this Committee (25%). It continues to meet regularly, at least quarterly, and acts in an apolitical cross party manner. As such, it demonstrates its independence.

CIPFA has recently prepared new guidance on the role, including the purpose and terms of reference of Audit Committees. This Audit Committee in practice undertakes these responsibilities, and is generally developing its activities in the direction laid out by CIPFA. The Audit Commission has incorporated these requirements in its revised ‘Use of Resources Assessment’. This sets out the following requirement for any authority wishing to achieve a Level 4:

“An Audit Committee has been established that is independent of the executive function with terms of reference that are consistent with CIPFA’s guidance. It provides effective challenge across the Council and independent assurance on the risk management framework and associated internal control environment to members of the public and can demonstrate the impact of its work.”

It is therefore appropriate that the Council should ensure that it continues to comply with best practice for its audit arrangements and amends the Constitution to do so.

**Resolved:** (i) That the Constitution be amended and the section covering the Audit Overview Committee on Page 5a, so that it reads as follows:

Audit Overview Committee

An Audit Overview Committee has been established. Its purpose is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority’s financial and non financial performance to the extent that it affects the authority’s exposure to risk and weakens the control environment and to oversee the financial reporting process.

The Audit Overview Committee has the following terms of reference:

◆ **Audit Activity**

- To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- To consider summaries of specific internal audit reports as requested
- To consider reports dealing with the management and performance of the providers of internal audit services
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance
- To consider specific reports as agreed with the external auditor
- To comment on the scope and depth of external audit work and to ensure it gives value for money
- To liaise with the Audit Commission over the appointment of the Council's external auditor
- To commission work from internal and external audit

◆ **Regulatory Framework**

- To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and code of conduct and behaviour
- To review any issue referred to it by the Chief Executive or a Director or any council body
- To monitor the effective development and operation of risk management and corporate governance in the Council
- To monitor Council policies on 'Raising Concerns at Work; and the anti-fraud and anti-corruption strategy and the Council's complaints process
- To oversee the production of the authority's Statement of Internal Control and to recommend its adopted
- To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice
- To consider the Council's compliance with its own and other published standards and controls

◆ **Accounts**

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts

The Audit Overview Committee will comprise eight Councillors. Its Chair and Vice Chair will be independent of the Executive and will not be members of the Scrutiny Committee. To ensure its independence, no more than 25% of its members will be drawn from the Cabinet. This Committee will meet regularly, at least quarterly. The Committee will prepare an Annual Report on its activities for submission and approval of Council.

(ii) The further recommendations of the Audit Commission and CIPFA regarding the composition of Audit Overview Committee in relation to optimum numbers and the inclusion of an independent co-optee, be addressed when membership falls to be considered at Annual Council in May 2007.

**239. ANNUAL SCRUTINY REPORT 2005-2006**

In accordance with the terms of reference of the Scrutiny Committee, the fourth annual report on the work of the Scrutiny Committee had been presented to Council.

**Resolved:** That the report be approved and adopted.

The Meeting terminated at 6.40 p.m.

Mayor



**COUNCIL PROCEDURE RULE NO. 9.2**  
**PREVIOUS QUESTIONS BY MEMBERS**

**Council – 11<sup>th</sup> July, 2006**  
**Min 134 (a)**

**Question to Councillor Smith**

“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?”

**Written Response to Councillor Marsden**

“The new licensing regime has only been in force since Nov 2005. It is too early to say whether the regime has had any impact on crime figures but we are liaising with the police to obtain this information for a future meeting of the licensing committee.

The issue of special responsibility allowance for myself and my Vice Chair was I understand, the subject of a report to the Independent Remuneration Panel at the end of 2004. The Remuneration Panel accepted that there would be a significant increase in the number of meetings of the licensing panel and the workload of the Chairman and Vice Chairman with the introduction of the Licensing Act 2003 on 7 February 2005. At that point in time it was difficult exactly to say how significant the impact would be although with in excess of 400 licensed premises to be considered it was clear the impact would not be insignificant. The Remuneration Panel agreed that the allowances should be increased in line with the allowances paid to the Chairman and Vice Chairman of Development Control Committee as these seemed the most appropriate comparator.

The Remuneration Panel were minded to ask that the workload be revisited when the Act had been brought into force and its impact could be better assessed.

The Remuneration Panel met again at the end of 2005 and I understand revisited the issue of special responsibility allowances. No changes were made because of the substantial workload which the introduction of the Act had brought about. Members will be aware that all premises caught by the legislation were required to submit an application by 6 August 2005 to ensure their grandfather rights. Many premises took the opportunity to seek a variation in their hours of operation or to add for e.g. the provision for entertainment to their existing liquor licence and all of these applications where representations were received had to be considered by the licensing committee. The licensing committee met for 41 hearings (on 14 different dates) between 1 June 2005 and 10 May 2006 and further hearings are pending and the full licensing panel has met on seven occasions since 1 April 2005. In addition, together with the Vice Chairman I have been consulted by officers on numerous applications and we have attended numerous meetings with officers outside the formal panel and committee meetings.

I understand that the Independent Remuneration Panel is proposing at the end of this year when it meets again to look at the workload of all Chairs and Vice Chairs to ensure that there are no anomalies in the allocation of special responsibility allowance.”

**Council – 11<sup>th</sup> July, 2006**  
**Min 134 (b)**

#### **Question to Councillor Woods**

“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?”

#### **Written Response to Councillor Robinson**

“Meadowfield Sports Centre Play Area Relocation – 23K  
Meadowfield ATP Football .Hockey Pitch – S106  
Cassop Play Area – Funded by Members  
Sherburn Oak – External Funding  
Abbey Leisure Centre Skatepark – External Funding  
Loves Barn Park – 5K  
Loves Barn Kickwall – External Funding  
Ludworth Play Area – External Funding (to be installed)  
Coxhoe Leisure Chat Room – 12K  
Wharton Park Multi Games Area – 22K  
Sherburn Leisure Multi Games Area – 35K  
Belmont Park Multi Games Area 35K (14K S106)  
Ushaw Moor Park Multi Games Area – 20K  
Chevely Park Multi Games Area – 35K  
Witton Gilbert Multi Games Area – 25K  
Coxhoe Skidzone / BMX / Road Safety Area – External Funding  
Meadowfield Multi Games Area – 35K  
Coxhoe Multi Games Area – 25K (12K External Funding)  
Bearpark Community Centre – additional play equipment – external funding  
Parkhill BMX Track – Parish Council installation – external funding”