

City of Durham

At a Meeting of the **COUNCIL** held in the Town Hall, Durham, on Tuesday, 7th November, 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, Dickie, Freeman, Gibbon, Gill, Graham, Hawgood, Hepplewhite, Holland, Hopgood, Howarth, Jackson, Kellett, Kinghorn, Leake, Lightley, McDonnell, Marsden, Moderate, Norman, Pitts, Rae, Reynolds, Robinson, Shaw, Simmons, Simpson, Smith, Southwell, Stoddart, Syer, Taylor, Thomson, Turnbull, van Zwanenberg, Walker, Walton, Wolstenholme, Woods, Wynn and Young.

341. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crathorne, Cummings, Griffin, Pape and Rochford.

342. MINUTES

The Minutes of the Meetings held on 12th September 2006 and 27th September, 2006 were confirmed as a true record and signed by the Mayor.

343. MAYOR'S ANNOUNCEMENTS

In accordance with Standing Order No. 10 of the Council Procedure Rules, the Mayor presented to the Council a bound Petition which had been handed to him by Elvet Residents Association on the 4th November, 2006,. The Petition entitled "To Oppose the Development for Housing of the Former Bowling Green on the Riverbank at Elvet Waterside. The Site is a Valuable Community Space, Especially on Gala and Regatta Days, and should be preserved as a Green Edge to the City." was referred, without discussion, to the Chief Executive for such action as he deemed appropriate following consultation with the relevant Portfolio Holder.

The Mayor announced that there was to be a civic reception in January, 2007 for Members of the Council and their partners which would replace the usual Members' Christmas Party.

The Mayor also announced that The Rifles had accepted, with pleasure, the proposal of the City Council to extend the Freedom of the City, previously granted to the Durham Light Infantry, to the new regiment. A ceremony in this regard would be held at an appropriate future date.

344. QUESTION UNDER COUNCIL PROCEDURE RULE NO. 9.2

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

"Will the Portfolio for Leisure, please state when it was discovered that the proposed Swimming Pool and Leisure Centre had risen by £1,634,380, an increase of 15%."

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

"The figure you have quoted is the all-in estimated cost of the net additions to the project that have occurred over the last 8 months. In the presentation to Cabinet on 11th October it was indicated that there were three categories of additionality;

1. the design team have responded positively to the ideas and suggestions brought forward from our consultation process,
2. as the design, materials and concept has been refined during the planning process costs have been added alongside increasing quality, finally
3. those that have developed as the design has been refined by the full design team.

As each individual issue has arisen, it has been developed and discussed at the Project Steering Group which meets monthly. This includes not only additions but also deletions from the project.

The actual value of the improvements to the project was not known until the tender process and value engineering process was completed which was around 5th October, and the true value is less than that which had been originally estimated."

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

"Will the Portfolio for Leisure, please say whether or not a time penalty clause has been inserted into the contract to build the Leisure Centre/Swimming Pool, and if so can details be produced."

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

"Liquidated and ascertained damages are included within the contract and these have been calculated at £10,000 per week."

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

"Will the Portfolio for Housing, please identify the 7 regeneration sites, identified in the Development Budget appraisal, and please give the value of each of these sites."

The Portfolio Holder for Housing thanked Councillor Marsden for his question and indicated:

"The sites have not altered since they were originally reported to Cabinet in the Swimming Pool Options report. They are as follows:

- Cassop
- Bowburn
- Brandon
- Byland Lodge
- Newton Hall
- Sherburn Hill, and
- West Rainton

It was reported on 11th October that the total net land value for all of the sites is £11,264,000. The value of each individual site is the subject of legal agreements and as such is commercially sensitive. They were reported In Private by Director of Legal and Admin Services to Cabinet on 5th December 2005 and 5th April 2006."

- (d) The following question was received, by the due date, from Councillor Hepplewhite and was addressed to the Portfolio Holder for Housing.

“Will the Portfolio for Housing, guarantee that only affordable homes will be built in the Sherburn Hill site, including the area of the former garages, and can he say what he means by affordable housing.”

The Portfolio Holder for Housing thanked Councillor Hepplewhite for his question and indicated:

“The Sherburn Hill site is one which will be developed by Durham Villages Regeneration Ltd and is among the sites listed in the response to question 3. As such DVRC intend to develop the scheme to provide dwelling houses of a low comparable cost targeted at first and second time buyers and village returnees. The Company have an admirable record of delivery, especially in this vicinity. A scheme for development is at an advanced stage of preparation and is expected to supersede the earlier development proposals for part of the site that benefits from a valid planning consent. The scheme will be expected to bring about much needed regeneration in the village, absorbing the significant abnormal costs of securing the site against poor ground conditions. No planning application has yet been submitted and in the absence of a determination by the Council’s Development Control Committee no guarantees are able to be offered.”

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

“The Cabinet report states “Regeneration outputs for the seven sites will be approx 310 affordable units of housing. Are there any that fall outside of the definition, would you please state if so and how many?”

The Leader of the Council thanked Councillor Stoddart for his question and indicated:

“The adopted Local Plan has a policy that allows for “Affordable Housing” strategy to be developed in detail. Planning Officers have drafted a comprehensive document setting out how such a policy could be implemented in the City. This will be reported to Cabinet shortly and will be implemented immediately, if members agreed the report. This policy will set out the formal basis of understanding the term affordability that is soundly researched, acceptable to Government, recognised by other Housing agencies and capable of enforcement. In addition Officers are currently developing a raft of policies under the new planning regime of the emerging Local Development Framework. As members will know there a number of Development Plan Documents out for consultation, or that have been consulted on. These include the Housing Development Plan Document which does offer options for affordability to be considered

As all seven sites will be developed by Durham Villages Regeneration Company, each will make a contribution to the demand for affordable housing. There is a track record of delivering homes that appeal to local citizens, those returning to villages as well as first and second time buyer. Under these applications the well rehearsed interpretation will be used as a formal support to the application lodged. That is, good quality low comparable cost homes will be designed that will be target marketed towards first and second time buyers and families wishing to return to their original points of origin. Investment buyers where identified would be actively discouraged. In respect of your question, all seven sites still need to be considered in detail by Council officers prior to being presented to the Development Control

Committee and therefore it is difficult to give accurate details. However, at present the only envisaged departure from Durham Villages Regeneration Company's conventional approach, is expected to be approximately six flats that will be accommodated in a modern refurbishment of the original Byland Lodge building."

- (f) The following question was received, by the due date, from Councillor Taylor and was addressed to the Chairman of the Community Services Scrutiny Panel.

"We would also like to thank, The Head of Building Services and his team for all their work, in extremely difficult circumstances i.e, having to cope with an outdated old computer programme.

Would Cllr Howarth agree with us that it is regrettable, that so many of our Tenants have been struggling to get repairs done within their target date?

And does she share our hopes that when the new Computer System is in place, that we will see a significant improvement."

The Chairman of the Community Services Scrutiny Panel thanked Councillor Taylor for his question and indicated:

"Thank you, Councillor Taylor, for your question, which I am very pleased to answer as it gives me the opportunity to publicly thank the Head of Property Services and his staff, for the hard work and determined effort that led to the significant reduction in the repairs backlog, reported in the recent Scrutiny Review of Council House Repairs. The greatly improved figures reflect the resources and planning that the department diverted into the Responsive Repairs Service.

I also want to thank the Customer Services Team who worked with Property Services to improve the repairs reporting system by ensuring that recruitment and ongoing repairs training is in place to meet peak period telephone call demands.

Of course I consider it to be regrettable if any aspect of our public services falls short of the high delivery targets that we expect. The Scrutiny Panel, was able to focus on elements within the Repairs Service which were affecting service delivery and particularly stressed the need for a modern, efficient, electronic repairs management system.

To the credit of this administration that need was acknowledged, and the decision was taken to invest in a high specification, up-to-date, computer system. Procurement of that equipment is underway.

I do hope that when the new system is in place there is further significant improvement in our Repairs Services. Being a member of the Community Services Scrutiny Panel, Councillor Taylor knows that the panel will be recommending a review of the results once the system has been installed and its operation has bedded-in, possibly in February/March 2008.

In the meantime we do appreciate the continuing diligence of our Property Services Staff. It is to their credit that in addition to a dramatic improvement in the figures for Repairs Completed on Time and Void Turnaround Times, the Repairs Survey for April to September 2006, showed a very high level of Customer Satisfaction. It is that good work of staff, coupled with the future availability to them of the modern management system, that will promote the best possible service to our tenants.

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

“Will the Portfolio for Finance say why the new Swimming Pool will require a further 1.6 million pounds of funding and where is the money coming from.”

The Portfolio Holder for Finance thanked Councillor Robinson for her question and indicated:

“The new Swimming Pool will not require a further £1.6 million of funding. I will explain further. The Leisure Centre project is only one small element of a large regeneration scheme which will see a whole range of outputs. Indicative costs for various options have been provided to Cabinet in a series of reports over several months. However, it has always been understood at least by Councillors on this side of the hall, that those costs were indicative, that the quality of the building was paramount and once we had completed consultations with residents to understand their wishes and went through a thorough planning process (and not forgetting partner organisations’ wishes) we would then be in a position to promote a building that was complementary to the general wishes of our communities. We then submitted that scheme to tender. Following that process and the evaluation and engineering processes we now understand the true cost of the now improved building. But it’s not possible to compare apple and pears which you are trying to do.

Coming back to the large regeneration scheme, the additional cost associated in those improvements will be covered by the overall Development Budget. It is this strategic and more complex view that needs to be considered when delivering this long awaited project, not the repetition of newspaper headlines.”

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

“Will the Leader of the Council, say whether he agrees with the resident, Pippa Bell, when She says, “That the Riverside Park should remain undeveloped and recreational” as stated in an article of the Northern Echo on the 24th October 2006.”

The Leader of the Council thanked Councillor Carr for her question and indicated:

“It’s difficult to understand what Riverside Park means. It does not exist as a geographical designation. The Racecourse is protected under the Local Plan policies. There is no proposal to develop the Racecourse. The area of a former bowling green forms part of the development site subject to a rigorous Development Brief process, and consulted upon as part of the adoption of the existing Local Plan. It is worth noting that the dilapidated timber pavilion and bowling green area were abandoned nearly 6 years ago. The developer is committed to full engagement with all residents. This Information Leaflet and an associated exhibition allowed for residents and others to make their points directly to the developer. Given this detailed level of engagement I would suggest that we all wait until we see the draft proposals before we leap to judgement. Lurid headlines and less than accurate descriptions are designed to deflect a carefully considered process. This process will, in partnership, bring forward a welcome development in the historic heart of our City which will replace car parks, timber sheds and of course our out of date swimming baths with something the citizens of the City will, with care and considered judgement, make a positive contribution to the Conservation Area and City.”

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

“Will the Deputy Leader of the Council, wish to respond to a Labour Motion of the Council Meeting held on 11th July 2006, asking that the Council concentrate on the debating matter for which we have a responsibility, the deputy Leader stated that members should not be gagged.

At a meeting of this Councils Cabinet earlier this year, I asked the leader of the Councils permission to ask a question as requested by a Brandon resident that I represent, the Leader refused to allow me to ask this question.”

Councillor Taylor requested that the question be withdrawn.

345. NOTICES OF MOTION

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

“This Council is totally committed to being transparent and accountable to the people it represents and it is equally as committed to engaging the people of Durham in meaningful consultation.

This Council wants this Swimming Pool to be a phenomenal success. It will consult with and involve the people of Durham every step of the way throughout its progress. It will put aside party political differences, and pulls together putting the people of Durham before politics, to make this major project a success.

With this in mind this council will arrange quarterly meetings, at which a presentation will be given to inform the meeting of the Pools Progress, both structural and financial, until its completion.

All members and officers will be invited to attend as well as members of the public, Durham residents groups and associations will also be invited.

At the end of the presentation ample time will be allowed to take questions from elected members, and members of the public.

Then transparency and accountability will truly have been achieved.”

Councillor Holland moved and Councillor Reynolds seconded:

“This Council is committed to being transparent and accountable to those that it represents and is equally committed to engaging with the people of Durham in meaningful consultation.

All Members of this Council want the new Swimming Pool to be a great success. During the development of the pool it will ensure that all the stakeholders in Durham are kept fully informed by arranging meetings at appropriate times to receive reports providing an adequate time allowance for questions and answers.”

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

- (b) Notice having been duly given Councillor Kellett moved and Councillor Turnbull seconded:-

“This Council deplores the time limit placed on discussions about the Leisure Centre and Swimming Pool at the Cabinet Meeting on Wednesday 11th October 2006.”

The MOTION on being put was declared LOST.

Report of Director of Legal and Administration Services

346. SCHEDULE OF MEETINGS 2007/2008

Circulated for Members information was the Schedule of Meetings for the Municipal Year 2007/2008.

Resolved: That the Schedule of Meetings for the Municipal Year 2006/2007, attached at Appendix 'A' be approved.

347. ALLOCATION OF SEATS TO POLITICAL GROUPS

The Director of Legal and Administration Services had been advised by Councillor Cummings of his resignation from the Labour group. In the light of this resignation she had recast the allocation of seats to political groups on the various committees of the Council.

Councillor Cummings was a member of Scrutiny Committee and Standards Committee at the present time. He was entitled to 2% of seats on the Council, now that he was no longer a member of the Labour group. That group who, with 17 seats were entitled to 34% of the total allocation were now entitled to 32%.

There seemed no particular problem in leaving Councillor Cummings on the Scrutiny Committee. This reduced the labour group's entitlement from 3 seats to 2 (which equated to 16.67% overall) but there were checks and balances with other committees which would raise the overall percentage.

So far as the Standards Committee was concerned, Council in May 2005 determined to allocate 4 City Council members to this committee. Members would be aware that there were also independent members on the committee and parish representatives. The 4 City Council members were to be 2 Liberal Democrats, 1 Labour and 1 Independent. The Labour group continued to be the largest opposition party and as such, it was inappropriate for that group no longer to have any representative on the Standards Committee. The Director of Legal and Administration Services suggested therefore, that to ensure political balance was maintained both overall on the City Council and in relation to individual committees, it was appropriate to remove Councillor Cummings from the Standards Committee and allocate him instead to the Economic Scrutiny Panel. The Labour group had been given 5 seats on Economic Scrutiny Panel and to reduce that allocation to 4 would not have an adverse effect on their overall percentage of seats.

Resolved: (i) That Councillor Cummings remains a member of the Scrutiny Committee.

(ii) That Councillor Cummings replace Councillor McDonnell on the Economic Scrutiny Panel.

(ii) That Councillor McDonnell replace Councillor Cummings on the Standards Committee.

348. STANDARDS COMMITTEE – APPOINTMENT OF PARISH REPRESENTATIVE

The City Council had appointed 2 parish representatives to its Standards Committee. Recently, one of those representatives, Parish Councillor Mac Williams tendered his resignation following his election to Durham County Council and appointment to that authority's Standards Committee.

The Parish Councils were invited to nominate a replacement representative and the Director of Legal and Administration Services had received 4 expressions of interest. These were as follows:-

1. Framwellgate Moor Parish Council – Councillor Mrs Veronica Winter – former Chair of the Parish Council and a Magistrate
2. Belmont Parish Council – Councillor Walter Mickle – Chairman of the Parish Council.
3. Witton Gilbert Parish Council – Councillor Hillary Westwell – formerly a District Councillor
4. Croxdale and Hett Parish Council – Councillor Joseph Anderson – formerly a District Councillor and currently an Honorary Alderman

The nominees were reported to the Standards Committee on 26 September 2006 and members of that Committee indicated that all of the nominations were acceptable to them and they would not wish to make any further comment in relation to the appointment.

Resolved: (i) That Council nominate a small sub-committee to interview the candidates for appointment of parish representative on the Standards Committee; the membership of the sub-committee to be Councillors Dickie, Lightley, Stoddart, the Chief Executive and Mr. Ingleby the Chairman of the Standards Committee.

(ii) That the power of making an appointment be delegated to the sub-committee.

349. PRINTING PARTNERSHIP WITH DERWENTSIDE DISTRICT COUNCIL

Cabinet at its meeting on the 1st November, 2006, considered a report on the proposals for a printing partnership with Derwentside District Council. The report to Cabinet was circulated.

Section 101(5) of the Local Government Act 1972 empowers two or more local authorities to discharge any of their functions jointly and to make arrangements for appropriate delegation.

The making of arrangements for the discharge of functions by a committee or by an officer was a Council function (see Constitution page 5C).

Following Cabinet's approval the implementation of the InPrint partnership and agreement to the City Council entering into that partnership with Derwentside District Council, Council was requested to approve the delegation of responsibility for the management of the printing function to the Strategic Board of InPrint partnership.

Resolved: That the delegation of responsibility for the management of the printing function to the Strategic Board of InPrint partnership be approved.

350. GAMBLING ACT 2005

Cabinet at its meeting on 1st November, 2006 considered a report on the implications of the implementation of the Gambling Act 2005. The report to Cabinet was circulated.

Council was requested to approve the delegation to the Licensing Committee of the responsibility for deciding fees and small society lottery registrations.

Resolved: That the delegation to the Licensing Committee of the responsibility for deciding fees and small society lottery registrations be approved.

Report of the Director of Strategic Resources

351. CONTRACT AND PROCUREMENT RULES

Officers of the Council had reviewed the Council's current Contract Procedure Rules published in the Council's Constitution. They had considered current best practice and had produced the revised Contract and Procurement Rules a copy which had been circulated.

Resolved: That the Contract and Procurement Rules be approved and the appropriate amendments made to the Constitution.

Report of the Head of Property Services

**352. TENDER OPENING -
REWIRING OF COUNCIL PROPERTIES WITHIN THE CITY OF DURHAM AREA
2006-09 (c 200 p.a.)**

Tenders for the above Contract had been opened in accordance with Contract Procedure Rules by the Portfolio Holder for Housing.

Six tenders were received from:

Aqua Interiors
Dave Casey & Co
Delta Electrical & Security Systems Ltd
Gleeson AssetCare Ltd
Sunderland Housing Company Ltd
Vallectric

Tenders were evaluated on the basis of price. Delta Electrical & Security Systems Ltd submitted the lowest tender price.

Resolved: That the contract be awarded to Delta Electrical & Security System Ltd.

**353. TENDER OPENING -
REMOVAL AND REPLACEMENT OF BATHROOM SUITES ALONG WITH
REFUBISHMENT OF BATHROOMS TO COUNCIL PROPERTIES WITHIN THE
CITY OF DURHAM AREA 2006-09**

Tenders for the above Contract had been opened in accordance with Contract Procedure Rules by the Portfolio Holder for Housing Management and Revenues.

Ten tenders were received from:

Aqua Interiors
CLC Contractors Ltd
Darlington Borough Council
Delta Electrical & Security Systems Ltd
Gleeson AssetCare Ltd
Lovell Partnerships Ltd
Morrison Facilities Services Ltd
Sunderland Housing Company Ltd

Vallelectric Limited
Whitfields Building Services Ltd

Apologies were received from CJM Building/PropertyServices Ltd, Wiring Services Electrical Contractors and Mitie Property Services (UK) Ltd.

Tenders were evaluated on the basis of price. Vallelectric Limited submitted the lowest tender price.

Resolved: That the Contract be awarded to Vallelectric Limited with Whitfields Building Services Ltd being first reserve in the event that Vallelectric Limited fails to perform in accordance with the contract.

The Meeting terminated at 6.40 p.m.

Mayor

SCHEDULE OF MEETINGS - 2007/2008

2007

2008

Committee	Time	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May
Development Control Committee	5.30 pm	31	21	19	2/30	19	10/31	21	12	9/30	20	12	2/23	-
Cabinet	2.00 pm	-	6	18	-	5	17	28	-	16	-	5	16	-
Standards Committee	5.30 pm	-	12	31	-	25	-	20	-	15	-	11	-	-
Scrutiny Committee	5.30 pm	-	7	-	7	10	22	-	3	21	-	10	21	-
Policy Scrutiny Panel	5.30 pm	-	19	17	-	11	9	6	4	29	-	4/25	22	-
Community Services Scrutiny Panel	5.30 pm	-	5	3	28	26	23	22	-	16	12	13	8	-
Environment Scrutiny Panel	5.30 pm	-	26	-	9	20	16	14	11	-	5	5	1/29	-
Economic Scrutiny Panel	5.30 pm	-	13	10	-	4	2/30	27	-	22	19	18	15	-
Licensing Panel	9.30 am	-	13	-	-	19	-	-	19	-	-	19	-	-
Audit Overview Committee	5.30 pm	-	27 *** 9.30 am	12	-	-	4	-	-	17	-	-	17	-
Council	5.30 pm		28 ***	24		18 & 27 ***		13		8 *	26 **			
Annual Council	12 noon	23												6

* (Tax Base)
 ** (Council Tax)
 *** (Statement of Accounts)

May Day
 Spring Bank Holiday
 Summer Bank Holiday
 Christmas Holidays

7 May 2007
 28 May 2007
 27 August 2007
 25 – 31 December 2007

New Year's Holidays
 Good Friday
 Easter Monday
 May Day

1 January 2008
 21 March 2008
 24 March 2008
 5 May 2008

