

## City of Durham

At a Meeting of the **CABINET** held in the Town Hall, Durham, on Wednesday, 3<sup>rd</sup> September, 2008, at 2.00 p.m.

**Present:** Councillor Reynolds (in the Chair)  
and Councillors Bell, Jackson, Moderate, Pitts, Southwell, Thomson, van Zwanenberg and Woods.

**Also Present:** Councillors Colledge, Cowper, Howarth, Kellett, Lightley, M.J.A. Smith, Stoddart, Turnbull, Wilkinson and Young.

### **159. DECLARATIONS OF INTEREST**

Councillor Southwell declared a personal interest in Minute No. 164, Civic Arrangements for the City of Durham Area, and remained in the Meeting during consideration thereof.

Councillor Woods declared a personal interest in Minute No. 170, County Durham Tourism Partnership, and remained in the Meeting during consideration thereof.

### **160. APOLOGIES FOR ABSENCE**

There were no apologies for Absence.

### **161. MINUTES**

The Minutes of the Meetings held on 9<sup>th</sup> July, 2008 and 23<sup>rd</sup> July, 2008, were confirmed as a correct record and signed by the Chair.

### **Portfolio Member Recommendations or Items Requiring a Cabinet Decision**

### **162. ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2007/2008**

The Portfolio Holder for Finance and the Director of Financial Services submitted a comprehensive report to report on the actual treasury management activity and performance against the associated prudential indicators for 2007/08, as set out in the Treasury Management and Investment Strategies approved by Council on 26<sup>th</sup> February 2007.

**Resolved:** (i) That the report be noted.

(ii) That the Treasury Management Stewardship Report and performance against the prudential indicators for 2007/2008 be approved.

### **163. FINANCIAL REPORT FOR THE PERIOD 1<sup>st</sup> APRIL 2008 TO 30<sup>th</sup> JUNE 2008 – INCORPORATING A PROBABLE OUTTURN POSITION AT 31<sup>st</sup> MARCH 2009**

The Portfolio Holder for Finance and the Director of Financial Services submitted a comprehensive report to consider the City Council's financial performance for the period 1<sup>st</sup> April 2008 to 30<sup>th</sup> June 2008, highlighting areas of over and under spend against the year to date budgets and projecting this to the year end, taking into account known actions and issues for the remaining months of this financial year for the following:

- ◆ General Fund Revenue Account
- ◆ Housing Revenue Account
- ◆ General Fund Capital Programme

◆ HRA Housing Business Plan – Capital Expenditure

The report also provided details of the position against a range of additional “balance sheet” financial information at 30<sup>th</sup> June 2008. Reporting of such data was a key requirement of the Audit Commission’s Use of Resources assessment framework.

**Resolved:** (i) That the financial performance in the period 1<sup>st</sup> April to 30<sup>th</sup> June 2008, the estimated outturn position at 31<sup>st</sup> March 2009 and the projected year-end balances in terms of the General Fund Reserve, the Housing Revenue Account Working Balance and other Earmarked Funds and Reserves be noted.

(ii) That the Programmes and Financing arrangements as set out in the circulated Appendix to the report in terms of the General Fund Capital Programme and Housing Business Plan be noted and agreed.

(iii) That the year to date position for the various key balance sheet items reported, including the movement on earmarked and non-earmarked funds be noted.

#### **164. CIVIC ARRANGEMENTS FOR THE CITY OF DURHAM AREA**

The Leader of the Council the Director of Strategic Services and the Head of Legal and Strategic Services submitted a comprehensive report to seek Members confirmation of their intentions in respect of the civic arrangements to be made for the City of Durham Area as a consequence of Local Government Review.

**Resolved:** (i) That Cabinet confirm to the Department for Communities and Local Government its views on the provisions to be made to protect the civic arrangements for the City of Durham area to the Secretary of State for Communities and Local Government and Durham County Council without delay as follows:-

- ❖ That Charter Trustees be appointed to preserve the historic traditions, status and ceremonial privileges currently enjoyed by the City of Durham District Council area
- ❖ That the Charter Trustees be the members of the Durham County Council divisions in the City of Durham District Council area.

(ii) That Cabinet not make any representations in respect of the transfer of the Councils armorial bearings.

(iii) That the request from officers to consider whether the historic provisions for the conferment of the title of Honorary Alderman should be reviewed, which would be the subject of a separate report to Council, be noted.

#### **165. UPDATE ON COMMUNITY GOVERNANCE WORKING GROUP**

The Leader of the Council and the Head of Legal and Strategic Services submitted a comprehensive report to update Cabinet on the progress of the Community Governance Review in respect of the unparished areas.

**Resolved:** That the progress made by the Community Governance Working Group be noted.

#### **Reports from Scrutiny Panels**

**166. REPORT OF THE POLICY SCRUTINY PANEL  
TELEPHONE COMMUNICATIONS SYSTEM – UPDATE APRIL 2008**

The Scrutiny Committee on 14<sup>th</sup> July, 2008, considered the above report where it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

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

**167. REPORT OF THE POLICY SCRUTINY PANEL  
REVIEW OF SICKNESS ABSENCE 2008**

The Scrutiny Committee on 14<sup>th</sup> July, 2008, considered the above report where it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

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

**Reports for Information**

**168. COUNTY DURHAM OVERVIEW AND SCRUTINY JOINT MEMBERS' NETWORK**

The County Durham Overview and Scrutiny Joint Members' Network carried out a scrutiny of transport provision in County Durham. The scrutiny looked at public transport, health transport and community transport, it focused on issues relating to young, old and disabled people.

A copy of the report 'There and Back - Local Solutions to Local Transport Problems in County Durham' had been placed in the Members' Room and on Members Online for Members information.

**Resolved:** That the report be noted.

**169. TOWN HALL UPDATE  
(Min 459, 14<sup>th</sup> January 2008)**

The Head of Cultural Services submitted a comprehensive report to update Members on the recent changes and management of the Town Hall as well as setting out the future development of Town Hall Tours. The proposals for the Town Hall, including Tours, were initially approved by Cabinet in January 2008.

**Resolved:** That the progress to date be noted.

**170. COUNTY DURHAM TOURISM PARTNERSHIP**

The Head of Cultural Services submitted a comprehensive report to update members on progress of County Durham Tourism Partnership. The County Durham Tourism Partnership (CDTP) was one of the four Area Tourism Partnerships in the region which were established by One NorthEast in 2006. It was a private-sector led, not-for-profit organisation based at Rivergreen, with approximately ten staff, working on behalf of tourism organisations within the county and providing a link with the Tourism Team at One NorthEast.

**Resolved:** That the report be noted.

**171. GALA THEATRE & CINEMA ANNUAL REVIEW 2007- 2008**

The Head of Cultural Services submitted a comprehensive report to inform Members about the publication of the Gala Annual Review 2007-2008.

**Resolved:** That the report be noted.

#### **172. LOCAL GOVERNMENT OMBUDSMAN CASES**

The Executive Director submitted a schedule of successful defences of complaints referred to the Commission for Local Administration in England.

Circulated was the annual letter from the Local Government Ombudsman which provided a summary of the complaints received about Durham City Council and comments on the authority's performance and complaint handling arrangements.

As a result of the Secretary of State's decision on the future structure of local government in Durham this was the last annual letter that would be sent to the council in its present form.

The Ombudsman had expressed her thanks to all the members and officers who had dealt with her office for their courtesy and co-operation and wished everyone well for the future.

Circulated was the statistical data covering a three year period and notes of interpretation.

**Resolved:** That the report be noted.

#### **173. DRAFT HERITAGE PROTECTION BILL AND WORLD HERITAGE SITE CONSULTATION PAPER, DCMS**

The Department of Culture, Media and Sport had recently issued a draft Heritage Protection Bill and a consultation paper on the Protection of World Heritage Sites. The Head of Cultural Services submitted a comprehensive report which identified key issues emerging and the Heritage and Design Section's preparations to deal with them. It also updated Members on the scope and impact of the forthcoming legislation.

**Resolved:** That the report and comments made to DCMS be noted.

#### **174. RESPONSE TO DCMS IN RESPECT OF LAP DANING**

In June 2008, the Department for Culture, Media and Sport (DCMS) wrote to the Council expressing concern about the increase in establishments offering entertainment in the form of lap dancing and other adult entertainment. The Home Office, in conjunction with DCMS, was to consider whether more needed to be done to support local communities in this matter, and to enable them to do this, the views of local authorities were sought.

The DCMS had confirmed that the Licensing Act 2003 was not intended to legislate for "*matters of taste, decency or the moral and general appropriateness of any form of entertainment*" and they have recognised that the current regulatory regime around such entertainment does "*not go as far as some people would like to control the proliferation of lap dancing clubs and similar establishments*".

The correspondence sought the views of local authorities on the issues relating to lap dancing and similar entertainment. Following consultation with the Licensing Panel and the Portfolio Holder with responsibility for Licensing, the response submitted to the DCMS had been circulated.

The Council had made recommendations to DCMS in its response.

**Resolved:** That the report be noted.

## 175. APPLICATION FOR CONTINUATION OF CITY STATUS

The Director of Strategic Services submitted a comprehensive report to confirm to Members that the Council had applied to the Ministry of Justice to protect the city status of Durham in the face of Local Government Reorganisation.

The Council was advised by the Department of Communities and Local Government that, for City status to be maintained through the Local Government Reorganisation, it would be necessary for an application to be made to preserve the royal prerogative through the grant of letters patent. This application needed to be made by the Council with the support of Durham County Council.

The circulated letter was sent to the Ministry of Justice. Officers would report on the progress of the application as and when it was received.

**Resolved:** That the report be noted.

## 176. IN PRIVATE

### **Portfolio Member Recommendations or Items Requiring a Cabinet Decision**

**Note:** Councillors Howarth and Turnbull left the Meeting at 2.55 p.m.

## 177. REVENUE COLLECTION, RECOVERY & IRRECOVERABLE ITEMS

The Portfolio Holder for Finance and the Director of Financial Services submitted a comprehensive report to provide members with a schedule of irrecoverable items and to request that Cabinet approve the write off of these sums. The report also set out the current position in terms of the Council's provision for bad and doubtful debts.

**Resolved:** That the items of irrecoverable debts, referred to in the report and set out at Appendix I to IV of the report be written off.

### **Reports for Information**

## 178. REVENUE COLLECTION, RECOVERY & IRRECOVERABLE ITEMS

### **OVERPAID HOUSING BENEFIT DEBTOR IRRECOVERABLE ITEMS**

#### (a) Items of £500 or less

14 items of Overpaid Housing Benefit Debtors amounting to £1,477.61 which had been found to be uncollectable, had been written off in accordance with the Council's Financial Regulations

**Resolved:** That the action taken in item (a) above be noted.

#### (b) Items between £500 and £1,000

1 item of Overpaid Housing Benefit Debtors amounting to £883.63 (listed at Appendix I to the Report), which had been found to be uncollectable for the reasons stated were set out and had been written off in accordance with the Council's Financial Regulations.

**Resolved:** That the action taken in item (b) above be noted.

### **COUNCIL TAX IRRECOVERABLE ITEMS**

(c) Items of £500 or less

98 items of Council Tax arrears and credits amounting to £5,812.98 which had been found to be uncollectable, had been written off in accordance with the Council's Financial Regulations

**Resolved:** That the action taken in item (c) above be noted.

**NB:** In addition to the above: 104 items of Council Tax arrears and credits amounting to £19.46 which comprised small balance write offs and write ons outstanding prior to annual billing for 2008/2009 had been written off/on in accordance with the Council's Financial Regulations. Details were circulated.

(d) Items between £500 and £1,000

12 items of Council Tax arrears amounting to £8,559.79 (listed at Appendix II to the Report), which had been found to be uncollectable for the reason stated, were set out and had been written off in accordance with the Council's Financial Regulations.

**Resolved:** That the action taken in item (d) above be noted.

### **NON-DOMESTIC RATES IRRECOVERABLE ITEMS**

(e) Items of £500 or less

9 items of Non-Domestic Rate arrears and credits amounting to a net credit of £3,916.15, which had been found to be uncollectable, had been written off / on in accordance with the Council's Financial Regulations

**Resolved:** That the action taken in item (e) above be noted.

**NB:** In addition to the above: 5 items of Non-Domestic Rate arrears and credits amounting to £0.82 which comprised small balance write offs and write ons outstanding prior to annual billing for 2008/2009 had been written off/on in accordance with the Council's Financial Regulations. Details were circulated.

(f) Items between £500 and £1,000

3 items of Non-Domestic Rate arrears amounting to £2,338.29 (listed at Appendix III to the Report), which had been found to be uncollectable for the reason stated, were set out and had been written off in accordance with the Council's Financial Regulations.

**Resolved:** That the action taken in item (f) above be noted.

### **SUNDRY DEBTOR IRRECOVERABLE ITEMS**

(g) Items of £500 or less

48 items of General Debtors amounting to £511.83, which had been found to be uncollectable, had been written off in accordance with the Council's Financial Regulations

**Resolved:** That the action taken in item (g) above be noted.

(h) Items between £500 and £1,000

2 items of General Debtors amounting to £1,101.27 (listed at Appendix IV to the report), which had been found to be uncollectable, had been written off in accordance with the Council's Financial Regulations

**Resolved:** That the action taken in item (j) above be noted.

**FORMER TENANTS HOUSING RENTS**

(i) Items of £500 or less

197 items of Former Tenants Housing Rents amounting to £15,001.63, which had been found to be uncollectable, had been written off in accordance with the Council's Financial Regulations

**Resolved:** That the action taken in item (i) above be noted.

(j) Items between £500 and £1,000

Details of 18 items of Former Tenants Housing Rents amounting to £14,259.45 (listed at Appendix V to the Report) had been found to be uncollectable for the reasons stated.

**Resolved:** That the action taken in item (j) above be noted.

The Meeting terminated at 3.00 p.m.

Chair