

City of Durham

At a Meeting of the **COUNCIL** held in the Auditorium, Gala Theatre, Durham, on Tuesday, 24th July, 2007, at 5.30 p.m.

Present: The Right Worshipful the Mayor of Durham, Councillor Wynn (in the Chair) and Councillors Bartle, Bell, Carr, Crooks, Freeman, Guy, Holland, Hopgood, Howarth, Jackson, Kellett, Kelly, Kinghorn, Laverick, Lightley, Lodge, McDonnell, Marsden, Martin, Mitchell, Moderate, Norman, Pitts, Reynolds, Robinson, Simmons, Simpson, D Smith, M.J.A. Smith, Southwell, Stoddart, Taylor, Thomson, Turnbull, Walker, Wilkes, Wilkinson, Wolstenholme, Woods, Wynn and Young.

147. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Colledge, Dickie, Mavin, Plews, Rae, Thompson, van Zwanenberg and Walton.

148. MINUTES

The Minutes of the Meeting held on 29th June, 2007, were confirmed as a true record and signed by the Mayor.

149. PRESENTATION OF MAYORAL SERVICE MEDAL

The Mayor presented a Mayoral Service Medal to Mr. Lindsley, Member of the Bodyguard, in recognition of his service to successive Mayors. Members and Officers warmly applauded.

150. PRESENTATION OF LONG SERVICE CERTIFICATES

The Mayor presented Long Service Certificates to Mr Blackburn, Mr Blackwell and Mr Shield, who had completed twenty five years' service with the City Council. Members and Officers warmly applauded.

151. MAYOR'S ANNOUNCEMENTS

The Mayor announced that Mrs Lesley Blackie, Director of Legal and Administration Services, was to retire on 3rd August, 2007, and on behalf of the Council, presented her with gifts and extended best wishes for a long, healthy and happy retirement.

Members and Officers warmly applauded.

152. QUESTIONS UNDER COUNCIL PROCEDURE RULE NO. 9.2

- (a) The following question was received, by the due date, from Councillor Reynolds and was addressed to the Leader of the Labour Group.

"Following a letter from Roberta Blackman-Woods to members of staff, which included a quote from Councillor Mitchell, Deputy Leader of the Labour Group, supporting the County Council's Unitary Bid, would the Leader of the Labour Group confirm that this is his Group's policy."

The Leader of the Labour Group thanked the Councillor Reynolds for his question and indicated:

"I think the best place to start in answering this question is with the facts. I begin then by reading Councillor Mitchell's quote in the letter referred to in the question. Councillor Mitchell says 'We are shocked and disappointed that people would think

we would do anything other than campaign for the best deal for Durham's residents and the Council's workforce and therefore we urge people to look at the facts'.

This is the sole quote from Councillor Mitchell and nowhere does he express a view either way on the proposed local government re-organisation. He simply states that whatever happens, Labour Councillors will continue to campaign for the best deal for the Council's workforce and Durham's residents. We as a Labour Group are in full agreement with this."

- (b) The following question was received, by the due date, from Councillor Woods and was addressed to the Leader of the Labour Group.

"The District Council's independent financial advice forecasts that the County Council's Unitary Bid is financially flawed and will lead to hundreds of job losses. Their bid forecasts at least 180 jobs will go. Therefore, in light of the Deputy Leader of the Labour Group's support of the County Council's bid, do you agree that job losses are acceptable?"

The Leader of the Labour Group thanked Councillor Woods for her question and indicated:

"Members will have heard me just quote the words Councillor Mitchell used in the letter, but I will do so again for Councillor Woods' benefit, as her question demonstrates she hasn't actually read them.

In the letter Councillor Mitchell says 'We are shocked and disappointed that people would think we would do anything other than campaign for the best deal for Durham's residents and the Council's workforce and therefore we urge people to look at the facts'.

As I said, this is the sole quote from Councillor Mitchell in the letter and nowhere does he express a view either way on the proposed local government re-organisation. He simply states that whatever happens, Labour Councillors will continue to campaign for the best deal for the Council's workforce and Durham's residents.

In light of these facts, demonstrating Councillor Woods' baseless and incorrect allegation that Councillor Mitchell is quoted in the letter supporting the County Council bid, I call upon Councillor Woods to apologise to Councillor Mitchell for this mistake."

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

"Will the Portfolio Holder for Finance enlighten me, as to whether the building of our new swimming pool is proceeding on budget, and also if it will be completed on schedule.

Could the Cabinet Member also inform this Council of what he projects will be the final cost of the new pool?, and why an update has not been given to this Council since February this year, as promised."

The Cabinet Member for Finance responded:

"The project to build the City Centre Leisure Centre is currently on target. At present there are no time delays, there have been no accidents or breaches of security. Relationships with the 6th Form College remain very good.

The project is a Design and Build contract and there are still some Stage F design issues that are unresolved. Therefore I would not be able to accurately predict final account figures. However, we have had no claims to date during the first 32 weeks of the project and it remains in line with the Development Budget and the overarching Development Agreement in place between the City Council and Durham Villages Regeneration Company.

There has been no promise given to provide updates against a regular timetable; rather that update reports would be provided when applicable. The next update report, in the form of a Cabinet presentation has been agreed in consultation with the Chair of Scrutiny to be held at Cabinet in September 2007”.

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

“I presume that the Cabinet Member agrees with the principles set out in the Responsibilities for Executive Functions. I refer specifically to the principle that espouses the need for this Council to be inclusive and accountable to all sections of the community.

If he does agree and supports this principle, could the Cabinet Member tell me when he will be meeting with the Elvet Waterside Residents Group to discuss their well documented concerns.”

The Cabinet Member for Communities thanked Councillor Taylor for his question and indicated:

“I can inform Councillor Taylor that the Leader of the Council has met with representatives of the Elvet Residents Association some weeks ago. It would not be appropriate to meet in the future once a planning application becomes valid.”

- (e) The following question was received, by the due date, from Councillor Bell and was addressed to the Portfolio Holder for Communities.

“Will the Portfolio Holder for Communities define for me the term ‘Affordable Housing’ and does the Cabinet member and this Council differentiate between localities when using the term ‘Affordable Housing’.

If the Council does make a differentiation, could the Cabinet Member give me an example?”

The Cabinet Member for Communities thanked Councillor Bell for his question and indicated:

“The term affordable housing is open to widely varying interpretation. The definition used for planning purposes is set out in the approved Cabinet report dated 13th December 2006 (Agenda Item 5 (i)). Section 5 of the Supplementary Planning Document, which has been the subject of public consultation during 2007, provides the context for the provision of affordable homes in accordance with Local Plan Policy H12.

The policy is applicable to all localities. However, circumstances may require other material planning considerations to be taken into account. Included in the background papers to the aforementioned Cabinet report and referred to in the assessment of housing schemes is an explanatory note which sets out quantifiable

regeneration benefits. Such benefits, if demonstrated, may be sufficient to reduce or offset the planning obligation.”

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

“I did intend addressing this question to the relevant Cabinet Member, but on reflection given the seriousness of the subject matter I thought I would address it to him.

Does the Leader of the Council agree with me that the health and safety of our elderly residents receiving City Care is of extreme importance and if he does, as I am sure he does, could he explain to me and the Brandon Resident, who brought this situation to my attention, [and other villages are in the same situation], how this Council got into the situation of not having any replacement CO detectors in stock.

Could The Leader of the Council tell me how many detectors were not fully functional and therefore how many elderly people were potentially in danger?

Also how long we were waiting for replacements.

Does the Leader of the Council agree with me that it would go a long way to restoring our elderly resident’s faith in the Council if he were to write a letter apologising for allowing this situation to occur and giving a reassurance that he will not allow this to happen again.”

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

“Of course I agree that the health and safety of all of our residents on the Council’s City Care system is of extreme importance and it is well documented that we are committed to maintaining this quality service.

The problem at the moment is that a number of CO detectors need replacement parts. The faults reported recently have been unit failures due to them surpassing their anticipated product life span.

Unfortunately we have had great difficulty obtaining these parts as there is currently a national shortage and many other Local Authorities are in a similar position.

There are presently several hundred units which are not functional. We have ordered 2,000 replacement units, but after 5 weeks we are still awaiting delivery. The parts have had to be ordered abroad and as yet have not arrived in this country. Additional resources of £37,510 have been included in the current year’s budget to carry out the necessary work and as soon as we receive the replacement parts a programme of work will be implemented.

Since the CO detectors were installed approximately seven years ago, there has never been an alarm activation where we have recorded a positive CO sample. This is due to the fact that we carry out a full annual service and safety check of central heating boilers in all properties. This is over and above what is required by law and over and above what is carried out by most other local authorities.

I would also point out that the fitting of CO detectors is not required by law and they are no substitute for the annual gas service and safety check.

As well as CO detectors we have also fitted intruder alarms and smoke detectors and the provision of this equipment is again over and above legal requirements.

Whilst I regret that these difficulties have arisen the situation has been largely beyond our control

In future, however, the replacement parts will be held in our central Stores and gas service vans as an impressed stock item."

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

"Would the Portfolio for Communities inform me of how the change over to the new Housing Allocations Policy is progressing?

What difficulties have been encountered? Are the registration forms being returned at a satisfactory rate? How many have been returned to date and how many are yet to be returned.

Are there many people experiencing difficulties in filling out the forms? I am thinking primarily of elderly residents and if this is so, what is being done to help them?"

The Cabinet Member for Communities thanked Councillor Taylor for his question and indicated:

"The changeover to the new Housing Allocations Policy is progressing satisfactorily. All 3711 current applicants have been sent a summary of the new policy and a new application form to complete and return. As of 17th July, 2007, 1189 completed forms had been returned. It is anticipated that many more application forms will be returned over the next few weeks and, in order to ensure that no current applicants are overlooked, a second letter and application form will be sent to those applicants who have failed to respond at the end of July.

No major difficulties have been encountered so far, but obviously an exercise of this scale naturally leads to an increase in the number of enquiries. There has been a 65% increase in the number of housing related enquiries to the CityInfo service during the month of July compared to the average for the previous three months.

Due to the requirement to assess housing need, the new application forms are longer and more comprehensive than the old ones. We are not aware of exactly how many applicants are experiencing difficulties in completing the new forms but where applicants have asked for assistance this has been provided by officers from both CityInfo and Housing Services."

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

"Will the Portfolio Holder for Environment, say which four Districts will be receiving part of the £200,000 pounds that the City of Durham Council were lucky enough to be awarded this year, from the Big Lottery?

If divided into four will each district receive £50,000 each, to be spent wisely and only for the needy not the greedy?"

On behalf of the Cabinet Member for Environment, the Leader thanked Councillor Robinson for her question and indicated:

"The Big Lottery has allocated indicative funding for The City of Durham Council for play provision over the next 3 years. This grant funding is subject to the completion of a play strategy and the submission of play project applications that fulfil the award

criteria. Under the terms of the Big Lottery funding initiative the decision on the final projects to be included in the submission rests with the play partnership. This partnership is a strategic group made up from local authorities, responsible organisations, community and voluntary groups.”

- (i) The following question was received, by the due date, from Councillor Mitchell and was addressed to the Portfolio Holder for Leisure and Culture.

“Will the Portfolio Holder for Leisure and Culture please confirm that all local schools in the District will be offered the use of the new swimming pool free of charge on weekdays. If this is not the case, will she please list the areas in which schools will be charged and please explain why not all schools are being treated equally.”

The Cabinet Member for Leisure and Culture thanked Councillor Mitchell for his question and indicated:

“The agreement with the County Council supports free swimming sessions during the school day for all schools supported by the Local Education Authority. The City Council will be honouring that agreement.”

153. NOTICES OF MOTION

Note: Councillors Freeman, Lightley, Martin, Simmons and Southwell declared a personal interest in the undermentioned item, and remained in the Meeting during consideration thereof.

- (a) Notice having been duly given Councillor Reynolds moved and Councillor Woods seconded:-

“This Council believes that the best way to deliver local government services in County Durham is by the existing two-tier system with enhanced working and not by a single giant unitary council. We call on all Members, our MP and the Trade Unions to take notice of the views of the people of County Durham and support retention of the 7 District Councils and County Council.”

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

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

“That this Council notes the report to Cabinet (18th July, 2007) recommending the creation of a Climate Change Strategy and the supporting evidence on climate change provided in the report; recognises the substantial work our Government and Durham’s MP have done to highlight and tackle the issue of climate change; understands the important role that local government has to play in tackling climate change, including leading by example with tangible action; and so resolves to cut, through reduction and offsetting, this Council’s CO₂ emissions by 10% over two years.”

Councillor Reynolds moved and Councillor Woods seconded:

That this Council notes the report to Cabinet (18th July, 2007) recommending the creation of a Climate Change Strategy and the supporting evidence on climate change provided in the report; recognises the substantial work our Government and Durham’s MP have done to highlight and tackle the issue of climate change; understands the important role that local government has to play in tackling climate change, including leading by example with tangible action; and so resolves that the Council’s cross departmental working group should baseline carbon emissions and

identify the possibilities of carbon reduction across the Authority and set targets accordingly. Whilst recognising that carbon reduction is essential the working group should also identify climate change adaptation measure to address the future impact of climate change.”

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

Report of the Chief Executive

154. DIRECTOR OF LEGAL AND ADMINISTRATION SERVICES

The Director of Legal and Administration Services was to retire from the authority on the 3rd August 2007. Cabinet on the 18th July, 2007 considered a first report on proposals for the redesign of City Council services and there was to be a further detailed report to Cabinet on potential impacts and amendments to current service structures.

In the intervening period, until the City Council had had an opportunity to consider these detailed reports it was proposed that the functions delegated to the Director of Legal and Administration Services and included in the Constitution at Table 3 under Part 3, be exercised by the Legal and Democratic Services Manager on a temporary basis, acting up as Head of Service until such time as the review of the council's services had been concluded and the changes implemented.

Resolved: That that the functions delegated to the Director of Legal and Administration Services and included in the Constitution at Table 3 under Part 3, be exercised by the Legal and Democratic Services Manager on a temporary basis, acting up as Head of Service until such time as the review of the Council's services had been concluded and the changes implemented.

155. CORPORATE PERFORMANCE PLAN 2007-2010

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 reflected 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 2007-10 combined both the Best Value Performance Plan and Corporate Plan, and had been produced in accordance with the above requirements.

Copies had been placed in the Members Room and on the Council's website.

Resolved: That the content of the Corporate Performance Plan 2007 – 2010 be agreed.

Report of the Director of Legal and Administration Services

156. NEW MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS

A new Model Code of Conduct for Local Authorities was laid before Parliament on the 4th April, 2007 and came into force on the 3rd May, 2007.

The Standards Committee was asked at its meeting on the 11th June, 2007 to consider the provisions in the new model code and to make recommendations to Full Council on adoption.

Guidance on the new code had been issued by the Standards Board for England and copies of the guidance had been forwarded to all members.

The main provisions of the new Model Code of Conduct were set out.

The guidance from the Standards Board suggested that the Model Code of Conduct should be adopted by local authorities as drafted and that additional provisions should not be added. Under the existing Code of Conduct there were some additional paragraphs to those which were in the original model. This was at the suggestion of the Standards Committee who said that membership of private clubs should be included in the Register of Members' Financial and Other Interests and also that offers of gifts and hospitality, over the value of £25, whether accepted or not should be declared and recorded.

When the Standards Committee considered the new Model Code of Conduct on the 11th June, 2007, their view was that the issue of offers of gifts and hospitality, whether or not these were accepted, should still be something which should be recorded. The intention was that it was useful to have a record of offers of gifts and hospitality even where these were rejected by members, because there maybe evidence of a pattern emerging.

The recommendation of the Standards Committee was therefore that the City Council should consider adopting the New Model Code of Conduct as presently drafted but with the addition of a requirement that all offers of gifts and hospitality, whether accepted or not, over the value of £25 should be declared and recorded in the appropriate register.

Resolved: (i) That the recommendations of the Standards Committee be accepted.

(ii) That the New Model Code of Conduct, with the appropriate addition, be adopted by the City Council.

Note: Councillor Lodge requested that his objection to the requirement that offers of gifts and hospitality, whether accepted or not, over the value of £25.00 should be declared, be recorded in the Minutes.

157. LICENSING STRATEGY

The Director of Legal and Administration Services submitted a comprehensive report to approve the second 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 subject to it being noted that Cabinet had agreed to commission a survey on saturation and cumulative effect in respect of licensed premises within the Durham City district and that this be reflected in the Action Plan.

158. THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2007

Cabinet, at its Meeting on 18th April, 2007, agreed to consult on a proposal to designate public places in the City centre for the purposes of the above Regulations. It was also agreed that a further report should be submitted to Cabinet once the consultation period had ended so that any representations could be considered before the matter was reported to Full Council for consideration.

A further report was submitted to Cabinet on 18th July, 2007, detailing the individual responses received to the consultation exercise with a recommendation that Council designate the streets, as listed in the report, and with the addition of Redhills Lane Cemetery, Farnley Mount, Farnley Ridge, St. John's Road and Percy Terrace, for the purposes of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

Resolved: (i) That the Council formally designate the public places specified in the amended report for the purposes of the Local Government (Alcohol Consumption in Designated Public Places) Regulations 2007.

(ii) That suitable signs be erected to draw attention to members of the public in those places which are designated, as to the effect of the Order.

(iii) That Officer be authorised to liaise with the County Council for the display of such signs on street furniture where appropriate.

(iv) That a copy of the Designation Order be forwarded to the Secretary of State.

(v) That a copy of the Designation Order be published on the Council's website.

(vi) That the Order come into force on a date to be determined by the Chief Executive in consultation with the Police, the appropriate Portfolio Holder and local Members, once the appropriate signage is in place.

The Meeting terminated at 6.40 p.m.

Mayor