

## City of Durham

At a Meeting of the **COUNCIL** held in the Studio, Gala Theatre, Durham, on Tuesday, 8<sup>th</sup> January, 2008, at 5.30 p.m.

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

### **425. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dickie, Kinghorn, Laverick, McDonnell, Plews and Stoddart.

### **426. MINUTES**

The Minutes of the Meeting held on 13<sup>th</sup> November, 2007, were confirmed as a true record and signed by the Mayor.

### **427. MAYOR'S ANNOUNCEMENTS**

The Mayor indicated that two events were to be held in aid of the Mayor's Appeal. An evening event would be held at Pelaw Dog Track on 2<sup>nd</sup> February, 2008, and a Gala Performance would be held on 9<sup>th</sup> February, 2008, at the Gala Theatre. He hoped Members would be able to attend and support his Appeal.

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

In accordance with Minute 343(b), 13<sup>th</sup> November, 2007, attached at Appendix 'A' is a copy of a written reply to previous question asked by a Members under Council Procedure Rule No. 9.2.

### **429. QUESTIONS UNDER COUNCIL PROCEDURE RULE NO. 9.2**

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

"He made a statement at Development Control on Thursday 12<sup>th</sup> December 2007, re: 106 monies.

Would he please furnish us with details and times he phoned Councillors informing them of these facts

Why didn't he write to every Councillor if he thought it was of such importance"

The Portfolio Holder for Finance thanked Councillor Lodge for his question and indicated:

"The times of the telephone calls I am not willing to give, and the details have been superseded by information in the Development Control Committee Minutes.

I didn't write to every Councillor as all Members have the ability to download the information themselves.

It was a case of being helpful to fellow Members.“

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

“Would the Leader confirm that he authorised the statement by the Council on the evening of 10th December in response to the decision by Magistrates to overturn the application for a licence on North Road. The Council’s statement seems to blame local residents for the original decision, accuses the police of not doing their job, yet perversely tries to say despite the Council’s actions it welcomes the result.

As this Council, under his leadership, seems to have managed to insult everyone one who has been involved in standing up for the local people on this decision, will he now retract this statement and apologise to the people of Durham for letting them down so spectacularly?”

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

“The Press Office issued this statement in accordance with paragraph 9 of the Member/Officer Protocol and in accordance with the Code of Recommended Practice on Local Authority Publicity. It was an accurate reflection of the facts in this matter.

With regard to the second part of your question, the only person letting down the people of Durham spectacularly is our Labour MP, Roberta Blackman-Woods.“

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

“After the Licensing Committee’s decision on 8th August, the Deputy Leader, Councillor Woods, was quoted in the Journal on the 10th saying: “The MP should go back and read up on her own government’s licensing laws. The Committee had no legal grounds to reject the application.”

As three Magistrates have conclusively found that actually the Committee should have declined it, which shows that Councillor Woods has little legal knowledge on this issue, will she now take her own advice, read up on the Act herself and do the decent thing and retract the statement and apologise to our MP.”

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

“I stand by what I said in The Journal and therefore the answer to your question is no.”

**Note:** *Councillor Wilkes entered the Meeting at 6.05 p.m.*

#### **430. NOTICES OF MOTION**

- (a) Notice having been duly given, Councillor van Zwanenberg moved and Councillor Rae seconded:-

“Durham City Council welcomes the reported intention of the Department of Communities and Local Government to consult on proposals to amend the Town and Country Planning (Use Classes) Order 1987 (as amended) in relation to Houses in Multiple Occupation. Durham City Council supports the creation of a separate Use Class for Houses in Multiple Occupation in England and Wales, as is the case in

Northern Ireland, and urges the government to proceed with the consultation and the introduction of such an amendment as speedily as possible.”

Councillor Mitchell moved and Councillor Taylor seconded:

“Durham City Council welcomes the reported intention of the Department of Communities and Local Government to consult on proposals to amend the Town and Country Planning (Use Classes) Order 1987 (as amended) in relation to Houses in Multiple Occupation. This Council also welcomes the work that the All Party Group on Balanced and Sustainable Communities is doing on this issue. Durham City Council supports the creation of a separate Use Class for Houses in Multiple Occupation in England and Wales, as is the case in Northern Ireland, and urges the government to proceed with the consultation and the introduction of such an amendment as speedily as possible.”

THE AMENDMENT on being put was ACCEPTED and THE AMENDED MOTION was CARRIED and it was RESOLVED ACCORDINGLY.

- (b) Notice having been duly given Councillor Lodge moved and Councillor Moderate seconded:-

“The City of Durham Council takes very seriously press statements which are based on incorrect information”.

Councillor Reynolds moved, and Councillor Woods seconded:

“The City of Durham Council takes very seriously press statements which are based on incorrect information and in view of Councillor Mitchell’s refusal to withdraw his press statements, his actions should be reported to the Standards Board for England calling for an investigation into his conduct”.

In accordance with Council Procedure Rule 17.5, before the vote was taken, a Member of the Council requisitioned, and was supported by four other Members, that the vote be by role call and recorded so as to show how each Member present and voting gave his/her vote.

<b>For Motion</b>	<b>For Motion</b>	<b>Against Motion</b>	<b>Abstained</b>
Colledge	Reynolds	Bartle	
Crooks	Simmons	Bell	
Guy	Simpson	Carr	
Holland	M.J.A. Smith	Cowper	
Hopgood	Southwell	Freeman	
Howarth	Thomson	Kellett	
Jackson	van Zwanenberg	Kelly	
Lightley	Walker	Marsden	
Lodge	Walton	Mitchell	
Martin	Wilkes	Robinson	
Mavin	Wilkinson	D. Smith	
Moderate	Wolstenholme	Taylor	
Norman	Woods	Thompson	
Pitts	Wynn	Turnbull	
Rae	Young		

THE AMENDMENT on being put was CARRIED and THE AMENDED MOTION was CARRIED and it was RESOLVED ACCORDINGLY.

**Note:** Councillors Kellett, Marsden and Turnbull declared a personal interest in the undermentioned Motion, and remained in the Meeting during consideration thereof.

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

"This Council notes the decision of the Council's Licensing Committee on the 8<sup>th</sup> August, 2007 at which it granted a licence, despite numerous objections on the 4 licensing objectives, for a lap-dancing club in North Road. This Council further notes the decision of three Magistrates, who after three days of hearings and evidence, upheld an appeal by local residents against the original decision and awarded costs against the City Council. This Council also notes the City's statement after the Magistrates decision was reached.

"This Council believes that the Chair of the Licensing Committee has a special responsibility to be aware of and provide information to Members on the application of the 2004 Licensing Act, Guidance under Section 182 and the City's own Licensing Policy to the consideration of applications and that this responsibility was not exercised at the meeting on the 8<sup>th</sup> August 2007. It thus feels that this incident has seriously called into question the capacity of the Chair to serve this committee effectively and so calls on the Chair to step down from her position on the Committee."

In accordance with Council Procedure Rule 17.5, before the vote was taken, a Member of the Council requisitioned, and was supported by four other Members, that the vote be by role call and recorded so as to show how each Member present and voting gave his/her vote.

<b>For Motion</b>	<b>Against Motion</b>	<b>Against Motion</b>	<b>Abstained</b>
Bell	Colledge	Rae	Bartle
Cowper	Crooks	Reynolds	Carr
Kelly	Freeman	Simmons	Kellett
Mitchell	Guy	Simpson	Lightley
D. Smith	Holland	Southwell	Marsden
Taylor	Hopgood	Thomson	Robinson
	Howarth	van Zwanenberg	M.J.A. Smith
	Jackson	Walker	Thompson
	Lodge	Walton	Turnbull
	Martin	Wilkes	Young
	Mavin	Wilkinson	
	Moderate	Wolstenholme	
	Norman	Woods	
	Pitts	Wynn	

THE MOTION on being put was declared LOST.

### **Report of Director of Financial Services**

#### **431. COUNCIL TAX – CALCULATION OF TAX BASE**

Regulations made under the Local Government Finance Act 1992 (The Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended)) required each billing authority to calculate its 'Council Tax Base'. This was the measure of an area's taxable capacity, for the purpose of setting its Council Tax. Legislation required that the Billing Authority sets out the formula for that calculation and that the Tax Base be formally approved by the Council.

Circulated was the actual number of dwellings in the district, allocated across the eight property bands. It also showed the numbers of properties in Band A that were eligible for a reduction under the Disabled Relief Scheme and the number of Ministry of Defence properties in the District for which payments were received in lieu.

Some of these properties would be empty during the year; others would be exempt from the Tax (e.g. dwellings occupied solely by students) whilst in single person households only 75% of the Tax was payable. The actual number of dwellings, therefore, needed to be adjusted to reflect these features giving a net property base for each band.

The Council Tax varied between the different bands according to proportions laid down in legislation. These proportions, which were circulated were based around B and D, and were fixed so that the bill for a dwelling in Band A would be a third of the bill for a dwelling in Band H. Applying the relevant proportion to each band's net property base produced the number of 'Band D Equivalent' properties for the area.

The Tax Base was finally arrived at by anticipating the collection rate during the year. A collection rate of 99% had previously been anticipated in the first instance and this practise had continued in calculating the tax base for 2008/09.

Applying a 99% collection rate to the tax base of £26,641.00 produced a final figure of £26,374.59, which compared to a 2007/08 figure of £26,111.25. An analysis of the tax base between the various parish areas of the Council was circulated.

**Resolved:** (i) That the report of the Director of Financial Services for the calculation of the Council's Tax Base for the year 2008/09 be approved.

(ii) That pursuant to the Director of Financial Services' report, and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended), the amount calculated by the City of Durham Council as its Council Tax Base for the year 2008/0/98 shall be £26,374.59.

#### **432. COUNCIL TAX – ESTIMATED COLLECTION FUND SURPLUS / (DEFICIT) [THE LOCAL AUTHORITIES (FUNDS) (ENGLAND) REGULATIONS 1992]**

The Local Authorities (Funds) (England) Regulations 1992 made provision for the discharge by a Billing Authority of its liabilities to pay amounts in respect of precepts from its Collection and General Funds and to make transfers between its funds to meet its estimated expenses. They also made provision for the discharge by a Billing Authority and its major precepting authorities, in respect of their liabilities to meet any estimated surplus or (deficit) in a Billing Authority's Collection Fund. The City of Durham was a Billing Authority and the County Council; the Durham Police Authority; and the Durham and Darlington Fire and Rescue Authority constituted the Council's major precepting authorities.

Under Regulation 10, a Billing Authority was responsible for estimating, for each financial year, beginning in or after 1993, whether there was a surplus or (deficit) in its Collection Fund for the preceding financial year and, if so, the amount of that surplus or deficit. This calculation, which took into account any residual transactions from the Community Charge, must be completed and approved by members between 1<sup>st</sup> December and 31<sup>st</sup> January each year.

In setting the 2007/08 budgets and subsequent Council Tax, the estimated position was that the Collection Fund would be "200,000 in surplus at 31<sup>st</sup> March 2007 and therefore this was the "distributed" amount built into the 2007/08 budget framework. The actual outturn position on the Collection Fund at 31<sup>st</sup> March 2006 was a surplus of £294,076.

Any surpluses could not be included as income in the authority's accounts and must be passed onto the Council Taxpayer in the form of a reduction in their annual bill. Likewise, a deficit cannot be charged as any Authority's expenditure, but must be charged to Council Taxpayers as an increase on the bills.

Taking into account the continued improvement in collection rates in the current year; an increase in the Council Taxbase due to a combination of new build and the impact of the opening of the University Halls of Residence; and a prudent assessment of the likely level of the provision for bad and doubtful debts, it was estimated that the City Council's Collection Fund would be £330,000 in surplus at 31<sup>st</sup> March 2008. The forecast surplus would be allocated to the following authorities, based on the respective proportions of the total precepts and demands on the Collection Fund in the current year: -

Authority	Surplus (£)	% Share	Reduction in Council Tax 2008-2009 (at Band D)
City of Durham	(46,332)	14.04	(1.76)
Durham County Council	(233,079)	70.63	(8.84)
Durham Police Authority	(31,779)	9.63	(1.20)
Durham and Darlington Fire Authority	(18,810)	5.70	(0.71)
<b>TOTAL</b>	<b>(330,000)</b>		<b>(12.51)</b>

**Resolved:** That Members note the forecast position on the Collection Fund, being an estimated surplus on the Collection Fund at 31<sup>st</sup> March 2008 of £330,000, and that this position be factored into the 2007/08 Council Tax Bills.

**Note:** Councillor Robinson left the Meeting at 6.30 p.m.

#### **Report of Director of Corporate Services**

#### **433. SCHEDULE OF MEETINGS 2008/2009**

Circulated for Members' information was an amended Schedule of Meetings for the Municipal Year 2008/2009, which now incorporated Meetings of the Appeals Panel.

**Resolved:** That the amended Schedule of Meetings, attached at Appendix 'B', be approved.

The Meeting terminated at 6.35 p.m.

Mayor

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

**Council – 13<sup>th</sup> November, 2007**  
**Minute 343(b)**

**Question to Councillor Reynolds**

“At the last meeting of this Council Councillor Reynolds alleged that I had been unsupportive of the Brandon Masterplan.

I asked the Leader of the Council to substantiate that allegation he declined to do so.

Will he now do so or is he prepared to withdraw his allegation?”

**Written Response to Councillor Taylor**

“We have now undertaken three masterplanning exercises and the one at Brandon has clearly taken the longest.

I do not see any point in dwelling on the past but would rather look forward to the future. We are now in a position, with the masterplans being agreed, to take forward the process of regeneration and I look forward to this taking place with your full and unqualified support for the regeneration of your local area.”



## SCHEDULE OF MEETINGS - 2008/2009

2008

2009

Committee	Time	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	April	May
Development Control Committee	5.30 pm	14	4/25	16	6/27	17	8/29	19	10	7/28	18	11	1	-
Cabinet	2.00 pm	28	-	9	-	3	15	26	-	7	18	-	1	-
Standards Committee	5.30 pm	-	17	-	-	16	-	4	-	19	-	3	-	-
Scrutiny Committee	5.30 pm	-	2	14	-	1	13	24	-	5	16/23	30	-	-
Policy Scrutiny Panel	5.30 pm	28	23	21	28	22	20	17	15	14	11	12	9	-
Community Services Scrutiny Panel	5.30 pm	7	3	2/29	-	2/30	28	25	-	12	9	9	6	-
Environment Scrutiny Panel	5.30 pm	21	18	23	-	3	1	5	3	6	4	4	7	-
Economic Scrutiny Panel	5.30 pm	13	10	8/31	-	4	2/21	27	-	15	12	10	8	-
Licensing Panel	9.30 am	-	11	-	-	17	-	-	17	-	-	18	-	-
Audit Overview Committee	5.30 pm	-	19** 9.30 am	10	-	-	9	-	-	20	-	-	16	-
Council	5.30 pm	-	24***	22	-	23***	-	11	-	13*	24**	-	-	-
Annual Council	12 noon	6	-	-	-	-	-	-	-	-	-	-	-	-
Appeals Panel	10.00 am	2	6	4	1	5	3	7	5	16	6	6	3	-

235.

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

May Day  
 Spring Bank Holiday  
 Summer Bank Holiday  
 Christmas Holidays

5 May 2008  
 26 May 2008  
 25 August 2008  
 25 – 31 December 2008

New Year's Holidays  
 Good Friday  
 Easter Monday  
 May Day

1 January 2009  
 10 April 2009  
 13 April 2009  
 4 May 2009

Appendix 'B'