

City of Durham

At a Meeting of the **COUNCIL** held in the Town Hall, Durham, on Tuesday, 26th February, 2008, at 4.30 p.m.

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

493. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lodge, Norman, Robinson and Stoddart.

494. MINUTES

The Minutes of the Meeting held on 8th January, 2008, were confirmed as a true record and signed by the Mayor.

495. RECORDING OF COUNCIL PROCEEDINGS

Resolved: That in accordance with Council Procedure Rule No. 23, the Council consents to the taking of photographs during the Council Meeting.

Note: Councillors Carr, Kelly, Mitchell, D. Smith, Turnbull, van Zwanenberg and Wilkes entered the Meeting.

496. PRESENTATION OF CERTIFICATES TO HONORARY ALDERMEN

The Council of the City of Durham had agreed in pursuance of Section 249(1) of the Local Government Act 1972 to confer on Raymond Gibbon, Thomas Sutton Gill and Mary Ruth Hawgood the title of Honorary Alderman in recognition of the eminent service they rendered to the Council during the periods they were Members of the City Council and to admit them to the roll of Honorary Alderman of the City of Durham accordingly.

Each Honorary Alderman came forward where the Mayor presented each of them with a certificate.

497. PRESENTATION OF LONG SERVICE CERTIFICATE

The Mayor presented a Long Service Certificate to Mr. Barber, who had completed twenty five years' service with the City Council. Members and Officers warmly applauded.

498. PRESENTATION TO THE CHIEF EXECUTIVE – MR. BRIAN SPEARS

The Mayor announced that Mr. Brian Spears, Chief Executive, was to retire on 29th February, 2008, and on behalf of the Council, presented him with a gift and extended best wishes for a long, healthy and happy retirement.

Members and Officers warmly applauded.

THE MEETING ADJOURNED AT 5.10 p.m. AND RESUMED AT 5.35 p.m.

Note: Councillors Freeman, Jackson and Kinghorn entered the Meeting.

499. MAYOR'S ANNOUNCEMENTS

The Mayor announced that Mr. J. Lindsley would be retiring as the Swordbearer but would remain a member of the Bodyguard.

500. QUESTION UNDER COUNCIL PROCEDURE RULE NO. 9.2

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

"Could the Portfolio Holder for Communities, Cllr. Thompson, please tell us how many call outs to repair combi-boilers in Council properties there have been in the last 6 months. Could he also provide a general breakdown by the type of fault and the average time it takes for them to be repaired. Could he also tell us what the financial cost to this Council has been for these repairs; and whether any of this cost can be recouped under the contract to the firm providing the boilers. Lastly could he also pass on this Council's thanks to the officers who have dealt with this request."

The Portfolio Holder for Communities thanked Councillor Bell for his question and indicated:

"City of Durham Council has 2237 Combi boilers in its properties. Remaining properties still have back boilers. In the last 6 months 1321 reports of no central heating (due to breakdown) were received of which 796 of these were from properties which have had Viessman Combi boilers installed. 525 complaints were from properties with other makes of boiler. I should say that Viessman supply the boilers we are installing at present.

When property services visit a property with a Viessman Combi Boiler and it is a component failure, we can reclaim for all our labour costs incurred. We are supplied (free of charge) with a large stock of replacement spares which all Engineers carry, enabling us to repair faults immediately.

Property Services work proactively with Viessman on problematic faults to their boilers and most recently resolved a problem with the pressure vessel which has been a problem throughout the combination boiler market nationally as most boilers use the same vessel manufacturer. We have a 5-year Parts & Labour Guarantee with Viessman and 24-hour technical support.

Although we have experienced a high number of Viessman Boiler failures, this has resulted in no cost to the authority but has caused inconvenience to customers which we now hope has been resolved.

Thanks have been passed on to Officers for supplying these figures."

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

"Could the Portfolio Holder for Communities, Cllr. Thompson, please tell us how many applications there have been under the new housing band system. Could he also provide details of the allocation of these applications by band; the number of appeals against the first allocated bands; the percentage of appeals that result in a successful re-allocation of band; the number of applications received from outside the District of Durham and the percentage of applications from outside the district

who are allocated to either band A or B. Lastly could he also again pass on this Council's thanks to the officers who have dealt with this request."

The Portfolio Holder for Communities thanked Councillor Taylor for his question and indicated:

"The relevant data has been extracted from the Housing Management System - however some of it requires further analysis in order to fully answer the extremely detailed nature of the question. A full written answer will be sent to Councillor Taylor as soon as possible.

I should also mention here that this matter is due for Scrutiny in the near future and all members of this panel should be aware of this. As far as the final part of Councillor Taylor's question is concerned I have personally thanked the officers for the work they are having to put in to answer this extremely complex question."

501. NOTICES OF MOTION

- (a) Notice having been duly given Councillor Pitts moved and Councillor Martin seconded on behalf of Councillor Rae:-

"This Council resolves to carry out a consultation exercise to ascertain the level of resident support for the parishing of areas of the District which are not currently parished."

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

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

"This Council would urge the Electoral Commission to consider proposed boundary changes for the new unitary Durham council carefully and if it conducts a review in 2008 to recommend that no elections on any proposed changes take place before 2013 as outlined in the Orders.

This Council believes that the new council will need five years to reorganise and further elections in 2010 will be costly and disruptive to the process."

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

In accordance with the provisions of Council Procedure Rule 17.6 Councillor van Zwanenberg wished his abstention from voting to be recorded.

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

"That this Council recognizes the benefit of the Go Warm scheme currently running in Durham and thanks all those working on it. This Council notes that while the Council has been supportive of the scheme in words, it has not made any financial contribution to the scheme and further notes that the Council did have around £80,000 set aside for schemes like this but that this was cut earlier in the year and so resolves to provide this sum to widen the number of properties that will benefit from the Go Warm scheme."

The MOTION on being put was declared LOST.

- (d) Notice having been duly given Councillor Mitchell moved and Councillor Bell seconded:-

“This Council believes that the public needs to have trust in local government, including their elected representatives and that as much information as possible on their activities should be available to the public. It so resolves to publish on its website, and in the next issue of City News; the total amount that each Councillor has claimed in expenses in the last financial year and the total to date for this year. It further resolves to publish the amounts each Councillor claims in allowances, both standard and special for last financial year and this one.”

Councillor Reynolds moved and Councillor Martin seconded:

“This Council believes that the public needs to have trust in local government, including their elected representatives and as much information as possible on their activities should be available to the public. It so resolves to publish the total amount that each Councilor has claimed in expenses and allowances in the last financial year and the total for this year in the appropriate manner and at the appropriate time.”

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

- (e) In accordance with the provisions of Council Procedure Rule No. 12.2, Councillor Reynolds on behalf of Councillor Rae had requested that the following Motion be withdrawn:-

“This Council welcomes the work already undertaken in association with the recently adopted Sustainable Development Policy, in particular that associated with Climate Change and the need for wholesale reduction in carbon emissions. The Council recognises the intrinsic connections between the critical issue of Climate Change and the need to:

- Protect natural resources and facilitate local and regional environmental enhancements,
- Bring about more sustainable patterns of production and consumption,
- Facilitate more sustainable patterns of development within communities.

We believe that delivery on these issues, as clarified within the Council’s Sustainable Development Policy, should a key priority of the unitary authority, and recommend that this Council takes such steps as appropriate to effectively champion these matters.”

Report of Director of Financial Services

Note: Councillor Pitts declared a personal interest on Page 89 of the Revenue and Capital Budgets 2008/2009 referred to in the undermentioned item and remained in the Meeting during consideration thereof.

502. 2008/09 REVENUE AND CAPITAL BUDGETS

The Director of Financial Services submitted a comprehensive report on the 2008/09 Revenue and Capital Budgets. (See Report File).

Resolved: (i) That the revenue budgets (General Fund and Housing Revenue Account) for 2008/2009 be approved (including the application of a 5.50% rent increase in 2008/09).

(ii) That the revised capital programmes (General Fund and Housing Revenue Account) for 2007/08 and 2008/09 be approved.

(iii) That the policy on reserves and balances as reviewed in September and set out in summary contained in the report be endorsed.

503. STATUTORY DETERMINATIONS – COUNCIL TAX SETTING

Resolved: (i) That the following, as submitted in the Council's Revenue and Capital Budgets 2008/09, be approved:-

- a) the revenue budgets (General Fund and Housing Revenue Account) for 2008/2009;
- b) the capital programmes (General Fund and Housing Revenue Account) for 2008/2009;

(ii) That it was noted that at its meeting on 8th January 2008, the Council calculated the following amounts for the year 2008/2009 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992.

- a) 26,374.59 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as its Council Tax base for the year.
- b) Part of the Council's Area

Parish

Bearpark	625.48
Belmont	2,978.02
Brancepeth	215.82
Brandon & Byshottles	5,453.61
Cassop-cum-Quarrington	1,410.75
Coxhoe	1,293.24
Croxdale & Hett	310.86
Framwellgate Moor	1,568.46
Kelloe	407.88
Pittington	504.41
Shadforth	637.36
Sherburn	952.18
Shincliffe	709.53
West Rainton	764.08
Witton Gilbert	802.89

Being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its Council Tax base for the year for dwellings in those parts of its area to which one or more special items relate.

(iii) That the following amounts be now calculated by the Council for the year 2008/2009 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-

- a) £61,822,325 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (a) to (e) of the Act.
- b) £47,815,168 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (f) to (j) of the Act.
- c) £14,007,080 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d) £8,653,117 being the aggregate of the sums which the Council estimates would be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grants (reduced by the amount of the sums which the Council estimates would be transferred from its general fund to its collection fund in accordance with Section 97 (3) of the Local Government Finance Act 1988 (Council Tax Surplus) and reduced by the amount of any sum which the Council estimates would be transferred from its general fund to its collection fund pursuant to the collection fund (Community Charges) directions under Section 98 (4) of the Local Government Finance Act 1988 made on 7th February, 1994 (Community Charge Surplus).
- e) £203.00 being the amount at 2.3(c) above less the amount at 2.3(d) above, all divided by the amount at 2.2(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- f) £431,946 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- g) £186.62 being the amount at 2.3(e) above less the result given by dividing the amount at 2.3(f) above by the amount at 2.2(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- h) Part of the Council's Area

Parish	£
Bearpark	209.03
Belmont	208.54
Brancepeth	212.64
Brandon & Byshottles	209.33
Cassop-cum-Quarrington	204.02
Coxhoe	212.26
Croxdale & Hett	209.44
Framwellgate Moor	211.11
Kelloe	207.12
Pittington	211.99

Parish	£
Shadforth	208.75
Sherburn Village	211.93
Shincliffe	200.53
West Rainton	219.26
Witton Gilbert	216.60
All Other Areas	186.62

being the amounts given by adding to the amount at 2.3(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 2.2(b) above, calculated by the Council in accordance with Section 34 (3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

COUNCIL TAX BANDS 2008/09

<u>Parts of the Council's Area</u>	Valuation Bands							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Parish of:-	£	£	£	£	£	£	£	£
Bearpark	139.35	162.58	185.80	209.03	255.48	301.93	348.38	418.06
Belmont	139.03	162.20	185.37	208.54	254.88	301.22	347.57	417.08
Brancepeth	141.76	165.39	189.01	212.64	259.89	307.15	354.40	425.28
Brandon	139.55	162.81	186.07	209.33	255.85	302.37	348.88	418.66
Cassop	136.01	158.68	181.35	204.02	249.36	294.70	340.03	408.04
Coxhoe	141.51	165.09	188.68	212.26	259.43	306.60	353.77	424.52
Croxdale	139.63	162.90	186.17	209.44	255.98	302.52	349.07	418.88
Framwellgate Moor	140.74	164.20	187.65	211.11	258.02	304.94	351.85	422.22
Kelloe	138.08	161.09	184.11	207.12	253.15	299.17	345.20	414.24
Pittington	141.33	164.88	188.44	211.99	259.10	306.21	353.32	423.98
Shadforth	139.17	162.36	185.56	208.75	255.14	301.53	347.92	417.50
Sherburn Village	141.29	164.83	188.38	211.93	259.03	306.12	353.22	423.86

<u>Parts of the Council's Area</u>	Valuation Bands							
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
Parish of:-	£	£	£	£	£	£	£	£
Shincliffe	133.69	155.97	178.25	200.53	245.09	289.65	334.22	401.06
West Rainton	146.17	170.54	194.90	219.26	267.98	316.71	365.43	438.52
Witton Gilbert	144.40	168.47	192.53	216.60	264.73	312.87	361.00	433.20
All Other Parts of City Council's Area:	124.41	145.15	165.88	186.62	228.09	269.56	311.03	373.24

being the amounts given by multiplying the amounts at 2.3(g) and 2.3(h) above by the number which, in the proportion set out in Section 5(1) of the Act, was applicable to dwellings listed in a particular valuation band divided by the number which in that proportion was applicable to dwellings listed in valuation Band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Item 2.4 and 2.5 of the report were unable to be considered due to the fact that the Police Authority had not reached an agreement over their precept for 2008/09.

These items would be considered at an Extraordinary Meeting of the Council to be held on 5th March, 2008.

504. TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2008/09 AND PRUDENTIAL INDICATORS 2008/09

The Director of Financial Services submitted a report that outlined the Council's prudential indicators for 2008-09 and set out the expected treasury operations for this period. It fulfilled three key reports required by the Local Government Act 2003:

- ◆ The reporting of the prudential indicators as required by the CIPFA Prudential Code for Capital Finance in Local Authorities (attached at Appendix B to the report)
- ◆ The Treasury Strategy in accordance with the CIPFA Code of Practice on Treasury Management (attached at Appendix C to the report)
- ◆ The Investment Strategy (in accordance with the DCLG investment guidance) (attached at Appendix C to the report)

The key requirements were set out below:

Capital Expenditure

The projected capital expenditure was expected to be:

Capital Expenditure	2007/08 Revised £000s	2008/09 Estimated £000s
Non HRA	6,881	2,141
HRA	5,296	4,704
Total	12,177	6,845

The Councils Borrowing Need (the Capital Financing Requirement)

Part of the capital expenditure programme would be financed directly (through Government Grants, capital receipts etc.), leaving a residue which would increase the Council's external borrowing requirement (its Capital Financing Requirement – CFR). The General Fund CFR was reduced each year by a statutory revenue charge for the repayment of debt (there was no requirement for an HRA charge).

Capital Financing Requirement	2007/08 Revised £000s	2008/09 Estimated £000s
Non HRA	3,889	3,734
HRA	18,793	19,041
Total	22,682	22,775
Movement in CFR	+86	+93

Against this borrowing need (the CFR), the Council's expected external debt position for each year (the Operational Boundary), and the maximum amount it could borrow (the Authorised Limit) were:

	2007/08 Revised £000s	2008/09 Estimated £000s
Authorised Limit	28,782	28,875
Operational Boundary	26,182	26,275

The impact of the new schemes being approved as part of this budgetary cycle on Council Tax and housing rents were expected to be:

Incremental Impact of Capital Investment Decisions (£) on	2007/08 Revised £ p	2008/09 Estimated £ p
Band D Council Tax	42.35	3.64
Housing Rents Levels	0.75	4.17

Investments

The resources applied to finance the capital spend above was one of the elements which influenced the overall resources of the Council. The expected position of Council's year end resourced (balances, capital receipts, etc.), was shown below supplemented with the expected cash flow position to provide an overall estimate of the year end investment position. The prudential indicator limiting longer term investments was also shown.

	2007/08 Revised £000s	2008/09 Estimated £000s
Total Resources	3,056	2,591
Working Capital	2,651	2,616
Total Investments	5,707	5,207
Principal Sums Invested > 364 days		£4M

Resolved: (i) That the Prudential Indicators and Limits for 2008/09 contained within Appendix B of the circulated report be adopted.

(ii) That the Treasury Management Strategy 2008/09, and the Treasury Prudential Indicators contained within Appendix C of the circulated report be approved.

(iii) That the Investment Strategy 2008/09 contained in the Treasury Management Strategy), and the detailed criteria included in Annex C1 of the circulated report be approved.

Report of Director of Corporate Services

505. STANDARDS COMMITTEE – LOCAL ASSESSMENT OF COMPLAINTS

With effect from 1st April, 2008, the City Council's Standards Committee would be responsible for carrying out local investigation of complaints received regarding Members of both parish and district councils, a function which was currently carried out by the Standards Board for England.

Accordingly, the volume of work to be undertaken by the Standards Committee may increase, requiring a number of additional Committee Meetings to be scheduled.

At present, the Committee meets on a bi-monthly basis, and it was proposed, therefore, that with effect from April 2008, the cycle of Meetings be amended and Meetings be arranged on the following dates:-

	9.30 a.m.	5.30 p.m.
April, 2008	2 nd	24 th
May, 2008	7 th	22 nd
June, 2008	4 th	26 th
July, 2008	2 nd	24 th
August, 2008	-	-
September, 2008	3 rd	18 th
October, 2008	1 st	16 th
November, 2008	5 th	20 th

	9.30 a.m.	5.30 p.m.
December, 2008	3 rd	18 th
January, 2009	6 th	19 th
February, 2009	4 th	19 th
March, 2009	4 th	19 th
April, 2009	1 st	23 rd

Resolved: That the likely increase in the workload of the Standards Committee be noted, and that the Schedule of Meetings be amended to make provision for this.

Report of the Head of Legal and Strategic Services

506. AMENDMENTS TO THE CONSTITUTION

Following the resolution at Cabinet on 17th December 2007 (Minute 421) regarding the application for Early Retirement/Voluntary Redundancy of the Chief Executive and the appointment of the Executive Director to Head of Paid Service, it was necessary to amend the City Council's Constitution in order to reflect the management structure that would be adopted once the Chief Executive retired.

In view of the number of amendments, a proposed amended copy of the Constitution (showing amendments in red) had been placed on Members on Line and a hard copy placed in the Members' Room.

Essentially, throughout the constitution, all references to the Chief Executive had been deleted, with the functions being transferred to the Executive Director. Minor amendments had also been made to ensure that accurate job titles were used, and to ensure that the delegations to all Chief Officers were accurate and appropriate. A more detailed summary of the amendments was contained within the circulated Appendix.

Resolved: That, with effect from 5th April 2008, the Council adopt the amended constitution.

The Meeting terminated at 6.40 p.m.

Mayor