

City of Durham

At a Meeting of the **COUNCIL** held in the Town Hall, Durham, on Monday 30th June, 2008, at 5.30 p.m.

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

78. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell Lodge and Martin.

79. MINUTES

The Minutes of the Annual Meeting held on 6th May, 2008, were confirmed as a true record and signed by the Mayor.

80. MAYOR'S ANNOUNCEMENTS

The Mayor announced that the Mayor's Appeal meeting would be held on 2nd July, 2008 at 5.30 p.m. and that the Blind Cricket Match which was part of the Appeal Programme would be held on the 14th July, 2008.

The Mayor invited everyone to join him in wishing Nelson Mandela a Happy 90th Birthday and sign the Birthday Card which would be sent to him with a letter of appreciation.

81. PREVIOUS QUESTIONS FROM MEMBERS UNDER COUNCIL PROCEDURE RULE NO. 9.2

In accordance with Minute 500(b), 26th February, 2008, attached at Appendix 'A' is a copy of a written reply to a previous question asked by Members under Council Procedure Rule No. 9.2.

82. NOTICES OF MOTION

- (a) Notice having been duly given Councillor Simpson moved and Councillor Hopgood seconded:-

"That the Council agree to invite Sir Bobby Robson to be admitted as an Honorary Freeman of the City of Durham, for services to sport, charity and his ongoing commitment and support to the local communities of Durham, and that, subject to his acceptance, a meeting of the Council be specially convened in accordance with Section 249 of the Local Government Act 1972, for the purpose of such submission."

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

- (b) Notice having been duly given Councillor Pitts moved and Councillor Young seconded:-

"That the Council agree to invite Mr Fenwick Lawson to be admitted as an Honorary Freeman of the City of Durham, for his dedication to the Arts and his contribution to the cultural heritage of the City of Durham, and that, subject to his acceptance, a

meeting of the Council be specially convened in accordance with Section 249 of the Local Government Act 1972, for the purpose of such submission.”

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

- (c) Notice having been duly given Councillor Woods moved and Councillor Simmons seconded:-

“That the Council agree to invite Dr Bill Bryson to be admitted as an Honorary Freeman of the City of Durham, for his services to the Arts and Tourism, and his international commitment and support to the City of Durham, and that, subject to his acceptance, a meeting of the Council be specially convened in accordance with Section 249 of the Local Government Act 1972, for the purpose of such submission.”

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

Report of the Director of Financial Services

83. ANNUAL GOVERNANCE STATEMENT AND STATEMENT OF ACCOUNTS 2007 - 2008

The Director of Financial Services had previously circulated a copy of the draft Statement of Accounts for 2007/2008, which included the Annual Governance Statement under separate cover.

The detailed report and accompanying statements had been considered at a Meeting of the Audit Overview Committee (23rd June, 2008) prior to submission to Council to enable Members to ask questions and go through the details of the accounts. The Audit Overview Committee had recommended to Council that both documents should be approved.

The Director of Financial Services provided an overview of the Council's Financial performance in 2007/08 and also highlighted the changes to the reporting requirements for 2007/08.

Resolved: (i) That the Annual Governance Statement be approved.

(ii) That the Statement of Accounts for 2007/2008 be approved.

Report of the Director of Strategic Services

84. LICENSING STRATEGY

The Director of Strategic Services submitted a comprehensive report to approve the third annual review of the Council's Licensing Strategy. The Strategy was first approved at the Council meeting held on 11th July 2005.

It focused on local concerns relating to local authority licensing, other organisations involved in the licensing process, and provided a framework to enable all interested parties to have a clear understanding of licensing matters from each other's perspective. The Licensing Strategy would continue to be reviewed at least once a year.

The main revisions referred to the number of licences issued, changes in legislation, updates in contact details, and progress relating to the action plan.

Resolved: That the revised Licensing Strategy be approved.

Report of the Head of Legal and Strategic Services

85. AMENDMENTS TO THE CONSTITUTION

The Head of Legal and Strategic Services set out a report to obtain Council approval to amend the Constitution as a consequence of the responsibility for receipt, investigation and determination of complaints transferring from the Standards Board for England to the Council's Standards Committee. The most serious cases would continue to be referred to the Adjudication Panel for England, but all complaints would, from the 8th May 2008, be referred to the local Standards Committee.

Changes were needed to the council's Constitution to enable it to operate the new arrangements set out above. The Standards Committee had been fully prepared for the transfer of this responsibility and had put in place working procedures to deal with the local assessment of complaints. The pertinent amendments to the Council's Constitution were circulated

In addition to the above, the Constitution needed updating to reflect the basic and special responsibility allowances for Members which came into effect from 31st December 2007. Details of the basic and special responsibility allowances were circulated.

Resolved: That with immediate effect, the Council adopt the amended Constitution as set out in the report.

86. REPORT ON CORPORATE GOVERNANCE

The Head of Legal and Strategic Services submitted a comprehensive report to update Council on the operation of the adopted Local Code of Corporate Governance.

Resolved: That the report be noted.

The Meeting terminated at 6.00 p.m.

Mayor

COUNCIL PROCEDURE RULE NO. 9.2
PREVIOUS QUESTIONS BY MEMBERS

Council – 26th February, 2008
Min 500 (b)

Question 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.”

Written Response to Councillor Taylor

The Council’s new Allocation Policy was introduced in August 2007. The main recommendation for introducing the Policy was to ensure that the City Council’s Housing Allocations Policy met current legislation, Codes of Guidance and good practice.

The Policy is a Banding Policy and the structure and format of bands is based on reasonable preference as defined in the Housing Act 1996 (as amended by the Homelessness Act 2002). The City Council has to ensure that, when allocating housing, reasonable preference is given to certain groups of applicants.

Since the introduction of the new policy 3308 applications have been registered for re-housing. These are allocated to each of the Bands in the following proportions:

Band A 3% Band B 15% Band C 20% Band D 22% Band E 40%

Although it is not a requirement under legislation the Council gives applicants the opportunity to request a review of the decision to place their application in a particular band. To date 170 applicants (5% of all registered applicants) have requested this. Of these:

- 57 appeals (33%) have resulted in a band change
- 72 appeals (42%) have remained in the same band
- 8 applicants (6%) withdrew their requests, some due to being re-housed
- 33 (19%) are still outstanding at present (some of these are awaiting medical assessments)

The 57 appeals that have resulted in a successful outcome have been due to a variety of reasons, i.e. medical assessment, incorrect date entered (with regards to time on previous waiting lists) and applicants failing to fill their application form in correctly i.e. not providing all the relevant information.

Other applications may also have changed band whilst being registered but this is not always the result of a request for a review of the band. A change of Band can also occur because a new medical assessment has taken place or other circumstances have changed, for example, a child has reached a certain age or other household or property changes have taken place since the application was registered.

Of the total applicants registered since the introduction of the new policy 546 applications were from applicants living outside of the district of City of Durham. Of these, 4 applicants (1%) were allocated to Band A and 31 (6%) applicants to Band B.

Under the Government's Guidance for the Allocation of Housing all eligible applicants can register regardless of whether or not they live within or outside the local authority area. The Authority can, however, give preference to those applicants that have a connection with the district.

Our Allocations Policy uses the definition regarding connection with the district given in the Government Guidance and places those applicants who do not have a connection with the district in Band E. There are currently 110 applicants in this band for this reason.