

COUNCIL
29 SEPTEMBER, 2008

COUNCIL PROCEDURE RULE NO. 11
PETITIONS BY THE PUBLIC

1. The following Petition was received, by the due date, from Mrs C Brown of 7 Durham Road West, Bowburn, Durham, DH6 5AU.

“Names and Addresses of residents close to Artful Ink Tattoo Parlour wanting the land fronting on to Durham Road West to be returned back to a green area with the trees and shrubs reinstated.”

Background Papers:

Petition from Mrs C Brown of 7 Durham Road West, Bowburn, Durham, DH6 5AU.

COUNCIL
29 SEPTEMBER, 2008

COUNCIL PROCEDURE RULE NO. 9.2
QUESTIONS BY MEMBERS

1. The following questions were received, by the due date, from Councillor Plews and were addressed to the Leader of the Council.

“Given the possible implications to City of Durham Council of positions held in a company by the former chief executive and current Deputy Leader, could the Leader of the Council please answer the following questions:

Can you please confirm when Mr Spears ceased to be employed as Chief Executive of Durham City Council?

Is or was Mr. Spears ever employed, as a consultant, or in any other capacity for Durham City Council after he finished being Chief Executive of Durham City Council? If so, when was this and who approved his re-employment?

Were you aware that the Deputy Leader, Cllr. Woods, is named as company secretary and as a consultant for a company (Sherburn Consultants Ltd. - Co No. 6508291) of which Mr Spears is listed as the sole director and shareholder? Were you also aware that Mr. Spears became a director of the company, Sherburn Consultants, while he was still chief executive of Durham City Council? If you were aware of any of this information when did you first learn of it? Upon learning of any of this information what action did you take?

Has Durham City Council ever used Sherburn Consultants' services since February 2008?

Has Sherburn Consultants ever applied for any tenders and/or work with Durham City Council or Durham Villages Regeneration Company?”

2. The following question was received, by the due date, from Councillor Turnbull and was addressed to all Portfolio Holders and Committee Chairs.

“Given the possible implications to City of Durham Council of positions held in a company by the former chief executive and current Deputy Leader, could the following Portfolio Holders and Committee Chairs please answer the following question:

Portfolio Holder for Finance
Portfolio Holder for Leisure and Culture
Portfolio Holder for Communities
Portfolio Holder for the Environment
Portfolio Holder Strategic Planning and Regeneration
Portfolio Holder Performance Management
Chair of Licensing
Chair of Planning

Did Cllr. Woods or Mr. Spears while he was Chief Executive, in either an official or unofficial capacity ever make suggestions or give directions on action or potential action to be taken in your policy portfolio or committee since February 2008? If so what were these directions or suggestions?”

2.

3. The following questions were received, by the due date, from Councillor Taylor and were addressed to the Deputy Leader of the Council.

“Given the possible implications to City of Durham Council of positions held in a company by the former chief executive and current Deputy Leader, could the Deputy Leader of the council please answer the following questions:

Can the Deputy Leader, Cllr. Woods, confirm she is a consultant and company secretary with Sherburn Consultants Ltd, as listed on their website, and that the purpose of the company is to provide “a range of services to local government, housing associations, developers and public service organizations.” (Quote taken from Sherburn Consultants website, 22nd Sept 2008).

When did Cllr. Woods first declare she is Company Secretary for Sherburn Consultants Ltd (Co No. 6508291) on the City Council Declaration of Members Interest?

Was Cllr. Woods aware the company was incorporated while Mr. Spears was still chief executive of the City Council?

Has Cllr. Woods received any money or benefits from the company, its director or shareholder since its incorporation in February 2008. If so what and what amounts?

According to the Council’s constitution (Part III, Page 23C) Cllr. Woods, as Deputy Leader of the Council, has responsibility for Government Initiatives, Business Partnership Working, Regional Strategies, Transport and Marketing. According to its website, Sherburn Consultants provides “a range of services to local government, housing associations, developers and public service organisations.” (Quote taken from Sherburn Consultants website, 22nd Sept 2008). Can she please explain to the Council what steps she has taken to ensure that this does not create a conflict of interest with her role as Deputy Leader of the City Council?

Can Cllr. Woods please tell us what input she had into the Council’s submission for the Regional Spatial Strategy and when this input occurred? Has Sherburn Consultants been involved in any way with the RSS?”

CITY OF DURHAM

COUNCIL
29 SEPTEMBER 2008

REPORT OF THE DIRECTOR OF CORPORATE SERVICES

**1. RECORDING OF COUNCIL PROCEEDINGS -
EXTRAORDINARY MEETING OF THE COUNCIL – 10 NOVEMBER 2008**

Arrangements have been made for an Extraordinary Meeting of the Council to be held on 10 November, 2008, to admit Mr Fenwick Lawson as an Honorary Freeman of the City of Durham.

Rule 23 of the Council Procedure Rules provides, inter alia, that the taking of photographs or the recording of any proceedings at meetings of the Council is prohibited without the express consent of the Council having first been obtained.

Recommended: That, in accordance with Council Procedure Rule No. 23, the Council consents to the taking of photographs during the ceremonial part of the proceedings of the Extraordinary Meeting of the Council to be held on 10 November, 2008.



SCRUTINY REPORT 2007/2008

INTRODUCTION



Chair of Scrutiny Committee
Councillor Amanda Hopgood



Vice-Chair of the Scrutiny Committee
Councillor Barbara Howarth

CHAIRMAN'S REMARKS

It was my privilege to take over as Chair of Scrutiny in May 2007, and once again Scrutiny has enjoyed a full and varied work programme over the past year.

During the municipal year 2007/08 training has played an important role for new and existing members following last years local elections. We have also very importantly introduced a reporting procedure, ensuring that feedback is provided by Cabinet on all reports submitted in a clear and concise manner. This has enabled all our Scrutiny panels to have a clear understanding of what happens to their recommendations after Cabinet approval/refusal. This system was introduced with the full backing and support of both Senior Officers and the Cabinet.

As in previous years we have continued to work in partnership by attending the County Durham Joint Scrutiny Members Network. Both myself and the Vice Chair, Cllr Howarth have participated in Joint Scrutiny working on Public Transport and NEETS (Children not in employment, education or training).

The year ahead will be unique to us all as it sees the end of District Councils and the creation of a new Unitary Council for County Durham. As we move into this new era we must ensure that our work within Scrutiny is carried forward and continued within the new Authority.

Amanda Hopgood

Chair of City of Durham Scrutiny Committee

TRAINING

In June 2007 a series of Scrutiny Training events was arranged at the Blackwell Grange Hotel, Darlington. The Scrutiny Training was delivered by Inlogov in partnership with North East Councils and was aimed particularly at new Scrutiny Members, following the May, 2007 local elections; however existing Members also took advantage of individual sessions.

A special Training Day was also organised for Scrutiny Members in relation to the Scrutiny of Budgets and Finance. This training was held at Collingwood College, Durham and was delivered by the Institute of Public Finance in conjunction with the City Council's Financial Services Department. An invitation to attend was issued to all Councillors.

SCRUTINY CONFERENCE

In September 2007, City of Durham Scrutiny was represented at the first Regional Scrutiny Conference at the Stadium of Light, Sunderland. The Conference was very wide ranging in nature and included speakers from both Regional and National Scrutiny forums.

SCRUTINY PANEL REPORTS

Attached are brief summaries of the work carried out by the Scrutiny Panels for the year 2007/2008.

Full Scrutiny Panel Reports and Minutes are available on the Members Online system and on the City Council's Website at www.durhamcity.gov.uk

COMMUNITY SERVICES SCRUTINY PANEL

Topics covered:-

Graveyards

The Panel considered, during their Meetings in June, July, September and October, the topic of Closed Graveyards. In particular Members were tasked with obtaining an overview of the Council's responsibilities for closed churchyards and graveyards.

Outcomes: 5 recommendations made; reported to Cabinet November, 2007; 5 recommendations accepted; 0 recommendations rejected.

Unauthorised Gypsy and Traveller Encampments

Following on from a recommendation made during the scrutiny of Gypsy and Traveller Sites, the Panel considered the topic of Unauthorised Encampments. Members looked at this in their Meetings in November, December, January, February and March.

Outcomes: 8 recommendations made; reported to Cabinet June 2008; 7 recommendations accepted; 0 recommendations rejected.

Council Garages

The topic of Council Garages had previously been scrutinised, when the Panel recommended that a policy on the letting of garages be written and amendments be made to the Tenancy Agreement. The Panel reviewed this scrutiny at their Meetings in July and March.

Outcomes: 2 recommendations made; reported to Cabinet September, 2007; 2 recommendations accepted; 0 recommendations rejected.

2 recommendations made; reported to Cabinet June, 2008; 2 recommendations accepted; 0 recommendations rejected.

Playing Pitch Strategy

The Playing Pitch Strategy had initially been scrutinised in May 2006. In carrying out a review, Members revisited the playing fields which they had inspected the previous year, and considered the topic at their July meetings.

Outcomes: 18 recommendations made; reported to Cabinet November, 2007; 18 recommendations accepted; 0 recommendations rejected.

Homelessness

The topic of Homelessness had been previously scrutinised by the Panel in January, 2007. At their Meetings in October, December, January and March, the Panel reviewed this topic, and invited the Council's Strategy and Development Manager and representatives from Durham County Council Durham Primary Care Trust to their Meetings.

Outcomes: 4 recommendations made; reported to Cabinet April, 2008; 4 recommendations accepted; 0 recommendations rejected.

Council House Repairs

The Panel originally scrutinised Council House Repairs in July 2003 and have kept the topic under regular review since then. The most recent review was carried out in November, 2007, when the Head of Property Services, Operations Manager, Maintenance Manager and Customer Services Manager attended the Panel's Meeting.

Outcomes: 4 recommendations made; reported to Cabinet March, 2008; 4 recommendations accepted; 0 recommendations rejected.

Allocations Policy

The new Allocations Policy had been introduced in August, 2007, and worked on a band-based system as opposed to the previous arrangement which was based on the amount of time an applicant had spent on the waiting list.

The Panel are currently reviewing the effectiveness of the new Policy and the impact it has had on waiting lists.

Outcomes: A report will be forwarded to the Scrutiny Committee for consideration in due course.

ENVIRONMENT SCRUTINY PANEL

Topics covered

Clean Neighbourhoods & Environment Act 2005

The Panel were informed by the Council's Head of Legal and Strategic Services as regards implications for the City of Durham within the Clean Neighbourhoods & Environment Act 2005, of which the full range of powers came into effect in late 2006.

Outcomes: The Panel noted the range of powers now available to the Council, and Cabinet were informed separately by the Head of Legal and Strategic Services in December 2006.

Review of Riverbanks & Six Month follow up

The Panel originally scrutinised Riverbanks in the period January – April 2007 and had many witnesses in attendance, including representatives from the City Council and from partners; the Durham County Council (Rights of Way Section and Necklace Park), the University of Durham and Durham Cathedral. A follow up report was produced in February 2008, to coincide with the departure of the Necklace Park Manager, for Panel Members' information.

Outcomes: 8 recommendations made; reported to Cabinet September, 2007; 8 recommendations accepted; 0 recommendations rejected.

Review of Biodiversity (Wildlife Meadows)

The Panel originally scrutinised "Biodiversity" in 2005, with their original Report and it's recommendations having being approved by Cabinet in October 2005. Periodic updates have been given to the Panel, with the most recent being March 2008.

Outcomes: 2 recommendations made; reported to Cabinet June, 2008; 2 recommendations accepted; 0 recommendations rejected.

Review of Fly-tipping, Recycling and Litter Pickers

The Panel originally scrutinised the three related topics of Fly-tipping, Recycling and Litter Pickers in 2005, with reports going to Cabinet June, August and September, 2006 respectively. Subsequent reviews have combined the three topics, with the last update report having been submitted to Cabinet January, 2008.

Outcomes: 6 recommendations made; reported to Cabinet January, 2008; 6 recommendations accepted; 0 recommendations rejected.

Climate Change

The Panel scrutinised the topic of Climate Change, from the perspective of a Local Authority's impact upon it, in 2007. The Scrutiny looked at the policies the Council had, including a specific report and policy developed by the Sustainable Development Manager on Climate Change, as well as looking at reports produced outside of the Council, e.g. by the Association of North East Councils (ANEC). The Panel's report was considered by Cabinet in April 2008.

Outcomes: 5 recommendations made; reported to Cabinet April, 2008; 5 recommendations accepted; 0 recommendations rejected.

ECONOMIC SCRUTINY PANEL

Topics covered

Disabled Parking

The Panel scrutinised the disabled parking provision within the district; whether such provision was adequate for future needs and how the authority could work with other organisations to provide an improved service. The Panel invited Officers from the County Council's Highways Department to give evidence relating to the parking procedures at the Park and Ride. The Managing Director of Durham Markets Company and the Manager of the Prince Bishop's Shopping Centre were also invited in their capacity as members of the Durham City Forum to give information to the Panel. Members were also grateful for the assistance of Mrs. Diane Prested who gave the Panel a disabled person's point of view. This topic was considered over several meetings during June to October 2007.

Outcomes: 7 Recommendations made; Reported to Cabinet November, 2007.
7 Recommendations accepted; 0 Recommendations rejected.

CCTV

The Panel considered this topic between November, 2007 and February, 2008. The Police also took part in this Scrutiny and shared relevant information with the Panel. Members were also given the opportunity to tour the Control Room, which is manned 24 hours per day seven days per week.

Outcomes: 6 Recommendations made; Reported to Cabinet April, 2008.
6 Recommendations accepted; 0 Recommendations rejected.

Review of Leisure Services

The Panel carried out a review of Leisure Services in accordance with recommendations made at a previous review. The Panel invited the City Council's Senior Leisure Development Officer to the meeting who advised Members on the current status of Leisure Services and the New Swimming Pool which is due to open July, 2008.

Outcomes: 3 Recommendations made; Reported to Cabinet June, 2008.

Review of Tourism

The Panel is currently reviewing its scrutiny of tourism. The Head of Cultural Services, the Portfolio Holder for Leisure & Culture, the Tourism & Conference Officer, the Events Manager and Regeneration Manager have all attended Panel meetings and have advised Members of the current position in relation to tourism initiatives and partnership working.

Outcomes: A report will be forwarded to the Scrutiny Committee for consideration in due course.

POLICY SCRUTINY PANEL

Topics covered

Sickness Absence/Employee Attitude Survey

The Panel considered, as a recurring topic, the Council's level of Sickness Absence. The topic was considered at Panel meetings, in June, September and October, 2007, and was scheduled for review again in April, 2008. The Panel will continue to monitor Sickness Absence during the remainder of the City Council's administration.

Alongside Sickness Absence Figures, Members also considered responses from the Employee Attitude Survey carried out in 2007.

Outcomes: 4 Recommendations made; Reported to Cabinet in November, 2007;
4 Recommendations accepted; 0 Recommendations rejected.

Telephone Communications

The Panel also continued to monitor the Council's Telephone Communication System as Members had expressed concern over problems which had become apparent. The Panel considered this topic at its meetings in July and October, 2007.

A further update for the Panel was scheduled for April, 2008.

Outcomes: 6 Recommendations made; Reported to Cabinet in November, 2007;
6 Recommendations accepted; 0 Recommendations rejected.

Members Online

The Members Online System was introduced in January 2007, following a prior trial period. The Policy Panel considered how Members were engaging with the system, what the perceived problems were and what further support was needed by them. Members considered this topic between July and November, 2007.

Outcomes: 4 Recommendations made; Reported to Cabinet in January, 2008;
2 Recommendations accepted; 1 Recommendation accepted following amendment;
1 Recommendation rejected.

Equalities Policies

Following the release of the publication "Equal to the Task", a document produced by the Equalities Commission the Policy Scrutiny Panel was requested to look at the Council's own Equalities Policies to ensure that they were fit for purpose. The Panel considered this topic between December, 2007 and March, 2008.

Outcomes: A Report will be prepared and submitted to the Scrutiny Committee in due course.

PARTNERSHIP WORKING

Durham City Scrutiny, through the participation of the Chair and Vice Chair of the Scrutiny Committee, has been actively involved in Joint Scrutiny Working with the other Authorities across County Durham as part of the County Durham Joint Scrutiny Members Network.

COUNTY DURHAM JOINT SCRUTINY MEMBERS NETWORK

The Chair and Vice Chair of Scrutiny, together with your Officers, have continued to be involved in the work of the County Durham Joint Scrutiny Members Network, in relation to the following Scrutiny projects:

NEETS

The Chair of Scrutiny has been involved in the Network Group reviewing the provision of services for NEETS (Children not in permanent Employment, Education or Training). The Scrutiny Study has now ended and a Report containing findings and Recommendations will be drawn up and circulated for information.

PUBLIC TRANSPORT

The Vice Chair of Scrutiny has been involved in a major countywide study of Public Transport issues, with the emphasis on Bus Services. Again this study has now been completed and a Report prepared. The Report will in due course be circulated for information.

FUTURE OF THE NETWORK

It is anticipated that for 2008/2009 existing District Members of the County Durham Joint Scrutiny Members Network will continue to meet and work alongside Overview and Scrutiny Members of the new Unitary Council.

JOSC

The Chair of Scrutiny also represented City of Durham Scrutiny on the Joint Overview and Scrutiny Committee during the first transitional phase of the Unitary Authority, prior to the May, 2008, Unitary Elections.

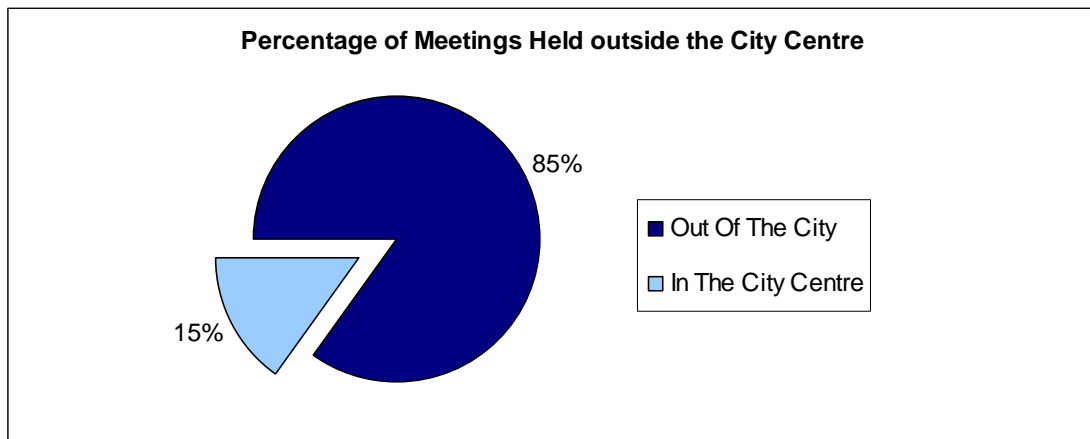
THE FUTURE (UNITARY COUNCIL)

The 1st April, 2009, will be the Vesting Day for the new County Durham Unitary Council. The City of Durham Council will cease to exist.

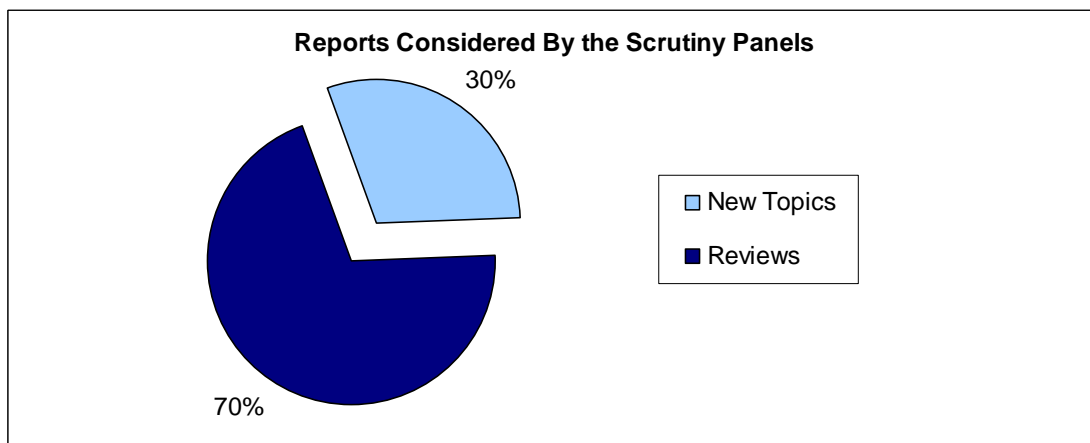
It is felt important that the time remaining to Durham City Scrutiny be best utilised by Reviewing previous Scrutiny Reports to ensure that we are best placed to “hand over” meaningful Recommendations to the Unitary Authority. It is also felt important that the high standards and good working practices which have been identified by the various Scrutiny Panels across the wide range of work carried out by the City of Durham be recognised and progressed by the Unitary Authority.

To this end it will be the intention over 2008/2009 for Recommendations made by City of Durham Scrutiny Panels to be forwarded not only to City of Durham’s Cabinet but also to the Unitary Authority to inform future Service Development.

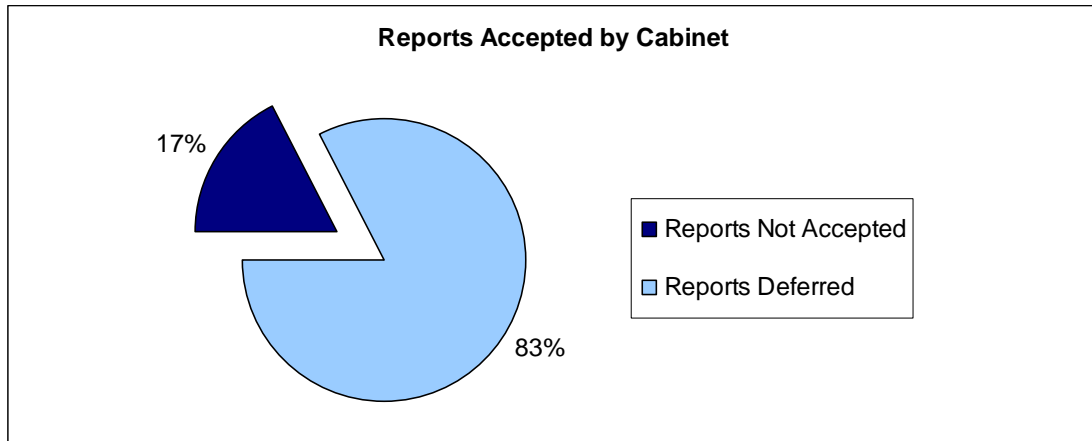
FACTS AND FIGURES



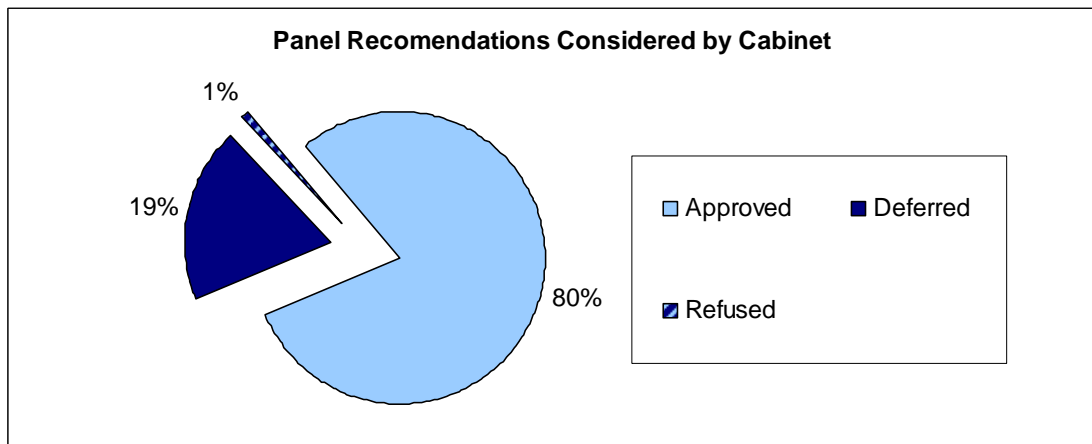
There was an increase of 70% in relation to the number of meetings held out of the City Centre, in comparison to the period 2006-2007.



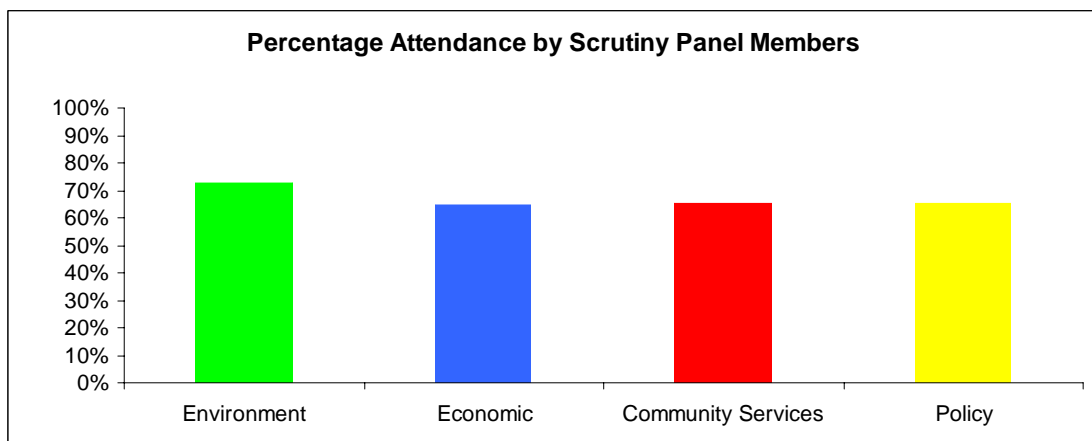
The number of new topics being considered reduced by 50% in comparison to the 2006-2007 period. Three factors that could have influenced this were; Local Government Reorganisation; an increase in the number of reviews of previous topics being required as per previous report recommendations; and the increased length of some of the new topics considered, i.e. these new topics were considered over many more meetings due to the breadth and complexity of those new topics.



Whilst effectively there was no change in the percentage of accepted reports in comparison to the 2006-2007 period, no reports were refused outright. The deferred reports were accepted (except a single recommendation from one report) at a later date.



Again, as with the figures relating to reports considered by Cabinet, the figures for recommendations considered by Cabinet were comparable to the equivalent period in 2006-2007. However, the number of deferred reports had increased by 16%, though these deferred recommendations were subsequently approved upon being submitted to Cabinet at a later date.



The Panel attendance figures showed a slight decrease, but were broadly comparable to those for the 2006-2007 period.

PANEL MEMBERSHIP 2007/2008

ECONOMIC SCRUTINY PANEL

Cllr. Amanda Hopgood (Chair)
Cllr. Brian Colledge (Vice Chair)

Councillors: Bartle, Guy, Kelly, Lightley, Marsden, Plews, Simmons, Simpson, Stoddart and Wilkes.

COMMUNITY SERVICES SCRUTINY PANEL

Cllr. Barbara Howarth (Chair)
Cllr. Stuart Walton (Vice Chair)

Councillors: Crooks, Laverick, Lightley, Mavin, Moderate, Norman, Robinson, D. Smith, Taylor and Young.

ENVIRONMENT SCRUTINY PANEL

Cllr. Philip Wolstenholme (Chair)
Cllr. Arnold Simpson (Vice Chair)

Councillors: Carr, Colledge, Crooks, Kelly, Martin, Mavin, Mitchell, Moderate, Turnbull and Wilkinson

POLICY SCRUTINY PANEL

Cllr. Mark Wilkes (Chair)
Cllr. David Freeman (Vice Chair)

Councillors: Cowper, Kellett, Lightley, Lodge, McDonnell, Martin, Simmons, Thompson, Walker and Wolstenholme.