

**COUNCIL**  
**24 FEBRUARY, 2009**

**COUNCIL PROCEDURE RULE NO. 8.**  
**QUESTIONS BY MEMBERS OF PUBLIC**

1. The following questions were received, by the due date, from Mr A.M. Williams of 11 Sunderland Bridge Village, Durham, and were addressed to the Leader of the Council.
  - (a) “Do the Leader and Council support the provision of suitable facilities in Leisure Centres and disabled persons homes or has the Council used up all financial resources?”
  - (b) “Will all outstanding repairs for windows, brickwork and disabled be finalised by Durham City Council’s budget?”



**COUNCIL**  
**24 FEBRUARY, 2009**

**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 and the Portfolio Holder for Communities.
  - (a) "Has the housing waiting list grown in the last year and by how much."
  - (b) "Can you tell me how many complaints have been received about repairs which were not carried out."
  - (c) "How many homes are up to the decent homes standard."
  - (d) "Have there been any complaints about the processing of housing benefit."
  - (e) "How many homes have been evicted due to rent arrears."
  - (f) "How many families have been housed as homeless."
  - (g) "How many repairs are outstanding which will not be repaired before March 31<sup>st</sup>"
2. The following questions were received, by the due date, from Councillor Turnbull and was addressed to the Portfolio Holder for Communities.
  - (a) "Could Councillor Thompson inform us what amount of money is left in the Disabled Facilities Budget?"
  - (b) "How many adaptations are there on the waiting list and how long do people have to wait for the work to be done?"
  - (c) "Why have some tenants been given starting dates for the work and then told they have been postponed?"
  - (d) "How many tenants have been asked to contribute towards the adaptations and why?"
3. The following questions were received, by the due date, from Councillor Mitchell and was addressed to the Portfolio Holder for Finance.
  - (a) "What is the total value of all capital receipts the Council has received since 1<sup>st</sup> April 2004, broken down by year?"
  - (b) "What amount of these receipts were legally available for use in the Housing Capital program?"
  - (c) "What is the total amount the Council (excluding any Government grants) has contributed to the Housing Capital Program since 1<sup>st</sup> April 2004."
  - (d) "What is the total amount the Council has spent and committed (both contractually and in principle) to the Freeman's Quay LC and the refurbishment of the Town Hall?"
  - (e) "Could I thank him and all Council staff who have helped in answering this question?"
4. The following questions were received, by the due date, from Councillor Mitchell and was addressed to the Portfolio Holder for Communities.
  - (a) "What is the current number of council properties that conform to the Decent Homes Standard (DHS), expressed both as a number and as a % of the total number of council properties?"
  - (b) "What is the estimated capital expenditure that is necessary to bring all remaining council properties up to the DHS?"
  - (c) "Could I thank him and all Council staff who have helped in answering this question?"

5. The following questions were received, by the due date, from Councillor Southwell and was addressed to Councillor Bell, Cabinet Member without Portfolio.
- (a) "When were you aware that Councillor Mitchell had amended his address to 'care of the City Council Offices'? Did you agree that this was appropriate and if so can you explain your justification for agreeing to this."
  - (b) "Do you agree with Councillor Mitchell's statement that although he now lives in Sutton he can still represent the people of Gilesgate better than many councillors who are based full time in Durham? If so, will you please name those Councillors that these remarks refer to."
  - (c) "If you do not agree with these remarks will you as Leader of the Labour Group unreservedly apologise to all the Members of this Council for Councillor Mitchell's statements which not only bring his office and this Council into disrepute but also breaches the Members National Code of Conduct."
  - (d) "Do you agree with me that failure to retract these statements and apologise leaves the Members of this Council with no other alternative than to formally report Councillor Mitchell's unacceptable conduct to the Standards Board for England?"

**CITY OF DURHAM**

**COUNCIL**  
**24 FEBRUARY 2009**

**REPORT OF THE EXECUTIVE DIRECTOR**

**1. POLICY RELATING TO THE CONFERMENT OF THE TITLE OF HONORARY ALDERMAN**

In accordance with Section 249 of the Local Government Act 1972, the City Council may, by a resolution passed by not less than two thirds of the Members voting thereon, confer the title of Honorary Alderman on persons who have, in the opinion of Members, rendered eminent service to the Council.

The City Council has previously decided that the conferment of such an honour would only be given to those Members who had served on the Council for a period of 15 years or more. It is recommended that, given that Members are unable to serve their full term of office as a consequence of Local Government Reorganisation, this policy is amended to allow those Members who have served the Council for a period of 14 or more years to be eligible for the conferment of the title of Honorary Alderman.

Members instructions are requested.

**2. THE CONFERMENT OF THE TITLE OF HONORARY ALDERMEN**

In accordance with Section 249 of the Local Government Act 1972, the City Council may, by a resolution passed by not less than two thirds of the Members voting thereon, confer the title of Honorary Alderman on persons who have, in the opinion of Members, rendered eminent service to the Council. The undermentioned Members of the City Council would qualify to be considered for conferment of the title of Honorary Aldermen because each has served the Council for a period of 15 years or more:-

Councillors Bell, Cowper, Dickie, Holland, Kellett, Lodge, McDonnell, Marsden, Pitts, Reynolds, Stoddart, Wolstenholme and Young.

The undermentioned Member of the City Council would qualify to be considered for conferment of the title of Honorary Alderman in the event that the policy is amended to reflect service to the Council of 14 years or more:-

Councillor Lightley.

The qualifying Members have indicated their willingness for the title of Honorary Aldermen to be conferred on them.

Members' instructions are requested.



**COUNCIL**

**24<sup>th</sup> February 2009**

**REPORT OF HEAD OF LEGAL & STRATEGIC SERVICES**

**1. AMENDMENTS TO THE CONSTITUTION**

The purpose of this report is to obtain Council approval to amend the Constitution as a consequence of the change in the allowance paid to Members.

The Council has exercised powers conferred upon it under the Local Authorities (Members Allowances) (England) Regulations 2003 to adopt the City of Durham Council Members' Allowances Scheme. This scheme allows for a basic allowance to be paid to each Councillor, and special responsibility allowances to be paid to those Councillors who hold the special responsibilities identified in the Scheme. The allowances are index linked to the movement in the average white collar non-manual pay rate with effect from 31<sup>st</sup> December each year.

Details of the Basic and Special Responsibility Allowances are attached at Appendix A, and it is recommended that the Councils constitution be amended to reflect the updated figures.

**2. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

The second annual report of the Standards Committee is attached for information.

It is recommended that the report be noted.

<b>SCHEDULE OF BASIC &amp; SPECIAL RESPONSIBILITY ALLOWANCES</b>
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1.	Current Basic Allowance (Minute 599(a), 13 <sup>th</sup> January, 2003)	£ 5,682.48
2.	The following are specified as the Special Responsibilities in respect of which Special Responsibility Allowances are payable and the annual amounts of those allowances are:- (Minute 599(b), 13 <sup>th</sup> January, 2003)	
	<b>Cabinet:</b>	
	<b>Members with Portfolio</b>	£ 5,644.92
	<b>Members without Portfolio</b>	£ 2,822.46
	<b>Chairman of the following Regulatory Committees:</b>	
	Development Control Committee	£ 5,644.92
	Licensing Panel	£ 2,822.46
	(Minute 311, 2 <sup>nd</sup> November, 2004, Minute 531, 26 <sup>th</sup> February, 2007)	
	<b>Chairman of the Scrutiny Committee</b>	£ 5,644.92
	<b>Chairman of the following Scrutiny Panels:</b>	£ 2,822.46
	Policy Scrutiny Panel	
	Environment Scrutiny Panel	
	Community Services Scrutiny Panel	
	Economic Scrutiny Panel	
	<b>Vice-Chairman of the following Regulatory Committees:</b>	
	Development Control Committee	£ 2,822.46
	Licensing Panel	£ 1,411.23
	(Minute 311, 2 <sup>nd</sup> November, 2004, Minute 531, 26 <sup>th</sup> February 2007)	
	<b>Vice-Chairman of the Scrutiny Committee</b>	£ 2,822.46
	<b>Vice-Chairman of the following Scrutiny Panels:</b>	£ 1,411.23
	Policy Scrutiny Panel	
	Environment Scrutiny Panel	
	Community Services Scrutiny Panel	
	Economic Scrutiny Panel	
	(Minute 312, 13 <sup>th</sup> October, 2003 & 403(b), 11 <sup>th</sup> November, 2003, Minute 531, 26 <sup>th</sup> February 2007)	
	<b>Leader of the Controlling Group</b>	£15,612.12
	<b>Deputy Leader of the Controlling Group</b>	£ 8,466.96
	<b>Leader of the Opposition Group(s)</b>	£ 1,080.96
	<b>No payment for Chair or Vice-Chair of Audit Overview Committee or Appeals Panel</b>	



# DURHAM CITY STANDARDS COMMITTEE

## Annual Report 2008/2009.

### 1. Introduction

1.1 This will be the last Annual Report of the Durham City Standards Committee. From April 2009, the new Durham County Council unitary authority will assume responsibility for standards matters. The report covers the period up to 31<sup>st</sup> December 2008 and we will endeavour to provide an update for the year-end to facilitate the handover to the new organisation.

1.2 In last year's report we highlighted that the Standards Board for England would be handing down the overwhelming majority of complaints cases for local assessment, investigation and determination. This took effect from 7<sup>th</sup> May 2008 and has proved to be the major part of our work ever since. We have been surprised by the sheer volume of complaints that we have had to deal with, as indicated in the statistics shown later. It is pleasing to report that the new procedures that were put in place to handle them have proved to be both robust and flexible, enabling us to deal with matters smoothly and expeditiously.

### 2. Our Purpose and Work

2.1 The Durham City Standards Committee is comprised of both political nominees and independent members and is chaired by an independent member. We are committed to preserving the good name of the city and surrounding parishes and we always bear this in mind in carrying out our work. The whole Committee feels strongly that our major purpose is to encourage good governance through the support of the Code of Conduct that is binding on all elected councillors. The message that we want to get across most strongly is that we regard the highest standards of behaviour and compliance as paramount.

2.2 However, as suggested earlier, the assessment, investigation and determination of complaints is now the majority of our work. Whilst there have been complaints covering a range of individuals and types of allegations of breaches of the code, overall it is our view that the standards and conduct achieved have been satisfactory. Clearly, each complaint is of significant importance to the individuals concerned but, from what we have seen, the good governance of the city and parishes remains strong. The exception is the single parish council upon which the vast majority of complaints have centred. Complaints have come from councillors and from members of the public and suggest a council that is bordering on being dysfunctional. This is illustrated in the following Case Study and in the statistics.

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### Case Study

The Parish Council has become divided into factions that lead to meetings being disruptive and unproductive. Numerous complaints about behaviour have been received often apparently on a tit-for tat basis. A complaint by one councillor almost always leads to a similar complaint from the other faction. Members of the public are weighing in on one side or the other. There are matters, many of them historical, in the village which are inflaming passions.

At the time of writing, the Standards Committee has 38 complaints active. The intention is to clear these cases before handover.

Clearly, where breaches of the code take place it is entirely appropriate to make a complaint, but the Standards Committee hopes that the parish council in question will be able to settle its differences and work together for the good of the community. We stand ready to offer what help we can and will be keeping this whole situation under continuous review.

### Complaints Statistics for 2008-2009 up 31<sup>st</sup> December 2008

No. of complaints received		
a) from members of the public	48	
b) from councillors	7	
c) from staff	3	
No. of cases referred for investigation	37	
No. of allegations dismissed	18	Including 2 complaints against a parish clerk which are outside our remit.
No. of cases involving District councillors	3	
No. of cases involving Parish Councillors	53	
No. of cases still active	40	Including 3 complaints where a decision has been taken but which are still within the review period

2.3 Of the total of 58 complaints received, 54 related to the single Parish Council referred to earlier. Not all were referred for investigation. Readers should note that where a complaint is dismissed at the initial scrutiny stage, there is a right for the complainant to request a review by a different sub-committee.

2.4 Please also note that a single letter of complaint may contain complaints against multiple councillors.

2.5 As well as routine Committee meetings we have been obliged to have a system of sub-committees to deal with the initial assessment of complaints, appeals against sub-committee decisions and, where required, special meetings for the hearing and determination of cases referred for investigation. The statistics give an indication of the level of commitment that has been made.

2.6

<b>Standards Committee Meetings 2008-2009</b>
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<u>Type of Meeting</u>	<u>Number of Meetings</u>
Main Committee	10**
Local Assessment Panel	11*
Review Panel	3
Hearing	0

\* Scheduled to Mar 09

\*\* Scheduled to Mar 09

### 3. Looking to the Future

3.1 Most, if not all of us, will have no further involvement in standards matters after April 2009. At the time of writing, the way these matters will be organised in the new authority is not clear. We are therefore, working hard to minimise the number of cases that are handed over.

3.2 It has been a great privilege for the committee members to have played a part in helping to underpin the governance standards in Durham through the application of the Code of Conduct. As a committee and as individuals, we have built up a significant degree of expertise that we are happy to share with our successors.

### 4. Conclusion

4.1 This has also been a particularly arduous year for the Monitoring Officer and her staff. A significant additional volume of work has been taken on and discharged with cheerfulness and efficiency. The committee could not operate without this help and support. Our grateful thanks, therefore, go to Clare Greenlay and all her staff. We wish them well in whatever the future may bring.

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## Annex

Attendance Statistics for Standards Committee Members
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MEMBER	ACTUAL ATTENDANCE SCHEDULED MEETINGS*	ACTUAL ATTENDANCE LOCAL ASSESSMENT SUB COMMITTEES**	ACTUAL ATTENDANCE LOCAL ASSESSMENT REVIEW SUB COMMITTEES
Mr B Ingleby – Chair Independent Member	6	4	2
Mrs T Naples Independent Member	5	4	1
Mr D Hollingworth Independent Member	2	1	1
Councillor Anderson Parish Council Member	7	2	2
Councillors Mrs Hudson Parish Council Member	6	4	1
Councillor Holland City Council Member	6	3	0
Councillor Lodge City Council Member	5	3	1
Councillor Turnbull City Council Member	6	3	2
Councillor Simpson City Council Member	5	2	0

\* Up to 19 Jan 2009

\*\* Up to 6 Jan 2009