

## City of Durham

At a Meeting of **SCRUTINY COMMITTEE** held in the Studio, Gala Theatre, on Thursday, 26<sup>th</sup> July, 2007 at 5.30 p.m.

**Present:** Councillor Hopgood (in the Chair) and Councillors: Freeman, Howarth, McDonnell, Mitchell, Robinson, Simpson, Wilkes and Wolstenholme

**Also Present:** Councillor Young

### **159 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Colledge, Moderate and Walton.

### **160 MINUTES**

Minutes of the Meeting of 7<sup>th</sup> June, 2007 were confirmed as a correct record.

### **161 CHAIRMAN'S REMARKS**

The Chairman advised the Committee following a question at the last meeting regarding update information on the Swimming Pool Project that a presentation would be given at the next meeting of Cabinet ( Wednesday, 5<sup>th</sup> September, 2007) and all Members of the Council would be invited to attend.

The Chairman advised Members of a new reporting procedure for Scrutiny reports. A copy of the procedure can be found at appendix B.

Members attention was brought to the new Scrutiny Topic Suggestion forms, the new forms ask how the suggested topic relates to the corporate aims of the Council.

The Chief Executive had asked that all committees that use the gala for their meetings make use of the microphones. The Chairman suggested that she did not think that the microphones were needed at Scrutiny and the Members of the Committee agreed.

The Chairman thanked those Members who had attended the training sessions that had been held recently at Darlington and Dragonville.

The Chairman reiterated the problems with venues for panel meetings and asked for Members patience while the venues were found. Members agreed that the venues were a problem and hoped that the refurbishment of the Town Hall would be completed in the near future.

**Note: Councillor Wilkes joined the meeting at 5.45 p.m.**

### **162 CABINET DECISIONS – 18 JULY 2007**

Councillor Mitchell asked if he could be advised of the procedure for submitting supplementary reports to Cabinet.

The supplementary report in question asked "...that delegated authority be given to the Leader, in consultation with the Chief Executive and Monitoring Officer, to seek legal advice on the potential for a legal challenge/ judicial review, and act on that advice during the summer recess should the proposals put forward by Durham

County Council be accepted and short listed for implementation.” Councillor Mitchell said he had grave concerns at a potentially unlimited expenditure .

The Vice Chair suggested that the Cabinet Report on Climate Change as an assessed future Scrutiny topic should be specific with emphasis put on tight scoping of the topic. Councillor Wolstenholme, Chair of Environment Scrutiny Panel advised the Committee that the Sustainable Development Manager would be in attendance at his next Panel meeting in September. Further advice would be sought from him.

### **163 VERBAL REPORTS OF PANEL CHAIRS**

An update was given by each Panel Chair on the progress of their panel.

The Vice Chair asked that the Committee consider amendments to the recommendations of two Community Services Scrutiny Panel’s reports. The reports can be found at Appendix C

- a). Review of Scrutiny of Council Garages
- b). Review of Scrutiny of Permanent Site Provision for Gypsies and Travellers

Resolved: Members agreed the amended recommendations and that the reports be sent to the next scheduled meeting of Cabinet.

### **164 REPORTS FOR INFORMATION (Annual Scrutiny Report – 2006/07)**

The Annual Scrutiny Report which, under the Constitution, the Scrutiny Committee was required to prepare for full Council was circulated. The Annual Report outlined the recent work of the Scrutiny Panels, progress which had been made, amended working methods and made recommendations for the future work programmes.

Resolved: That the report be approved for submission to full Council on 18<sup>th</sup> September 2007.

### **165 SUGGESTED SCRUTINY TOPICS**

The following topics had been suggested as Scrutiny Topics

- Unauthorised Gypsy/Traveller Encampments – allocated to Community Services Scrutiny Panel
  - b). New Housing Allocations Policy – Members agreed to defer the topic for six months to allow the policy time to take effect.
  - c). Choice Based Lettings – allocated to Community Services Scrutiny Panel.

### **166 FORWARD PLAN**

The Committee considered the Forward Plan, which was effective from 2<sup>nd</sup> July, 2007, and had no comments to make.

A copy of the Forward Plan, which was effective from 1<sup>st</sup> August, 2007, was circulated for Members consideration. Members had no comments to make.

**167 DECISIONS TAKEN BY PORTFOLIO HOLDERS SINCE LAST MEETING**

A copy of the schedule indicating the decisions taken by Portfolio Holders since the last Meeting is attached at Appendix A.

Councillor Mitchell referred to Portfolio Decision number 14 and asked if the Committee could receive progress reports on the Town Hall refurbishment project.

Councillor Freeman asked for further information on Portfolio Decision number 20.

**168 ANY OTHER BUSINESS**

There was no other business.

Meeting terminated at.6.20 p.m.

**SCRUTINY COMMITTEE**  
**26 July 2007**  
**DECISIONS TAKEN BY PORTFOLIO MEMBERS**

No.	Portfolio Member	Nature of Decision	Date
1	Councillor Southwell	Application received from Ms Bright, PDSA enquiring if the Council would make a donation of £50 in order for them to provide free veterinary care to sick & injured animals for pet owners within the DH1-6 area if owners are in receipt of Housing & Council Tax benefit. Recommend a donation of %50 to be made for financial year 2007/08	15.5.07
2	Councillor Southwell	Application received from County Durham Society for the Blind and Partially Sighted for a donation to help support its talking newspaper which is circulated to over 700 blind and partially sighted listeners across County Durham. Recommend that a donation of £100 be made to the Society for financial year 2007/2008	18.05.07
3	Councillor Reynolds	Application to allow free coach parking in the City Centre Coach Park for the Summer Festival Weekend, 7 and 8 July 2007 Recommend application be approved	30.5.07
4	Councillor Reynolds	Application to allow free coach parking in the City Centre Coach Park for the Christmas Festival Weekend 1 and 2 December 2007 Recommend application be approved	30.5.07
5	Councillor Reynolds	Application has been received from Mr Stuart Myers of 5 Mary Terrace, Bowburn enquiring if the Council would consider selling to him land adjacent to his property, which currently forms part of the garden of 30 Bede Terrace, Bowburn. The tenant has no objections and the land is to be used for construction of a double garage and a private domestic garden. Recommend that the application is approved.	24.5.07
6	Councillor Reynolds	Award of a grant of £4,995.28 to Sherburn O.A.K. from Flourishing Communities (Small Grants) Fund for installation of new signage and the supply & installation of a picnic table at Sherburn Park Recommend approval of grant	06.6.07
7	Councillor Reynolds	Award of a grant of £1,000 to the Art Garden Society from the Flourishing Communities (Small Grants) Fund for an Exhibition & Festival at the Durham Botanic Gardens. Recommend approval of grant on condition that the Art Garden Society is able to raise further funds of £1,660 from local businesses and/or fund raising events	06.6.07
8	Councillor Reynolds	Award of a grant of £1,000 to Finchale Training	06.6.07

		<p>College Nature Trail from the Flourishing Communities (Small Grants) Fund for the provision of a Natural Trail.</p> <p>Recommend approval of grant on condition that the College can raise the majority of funding (£16,279) from other courses by December 2007 and that the project is completed by Easter 2008</p>	
9	Councillor Reynolds	<p>Award of a grant of £5,000 to Coxhoe Community Partnership from the Flourishing Communities (Small Grants) Fund for the supply and installation of a metal fence around the perimeter of Coxhoe Park to make it a safer and more managed space.</p> <p>Recommend the award of a grant of £5,000</p>	15.6.07
10	Councillor Reynolds	<p>Application received from Mrs Thereza Bittencourt-Robson of 22 Ridding Road, Esh Winning enquiring if the Council would consider granting vehicular access over Council owned land to the front of her property. The access point would be such that a car parking bay would be sterilised.</p> <p>Recommend that the application is approved.</p>	12.6.07
11	Councillor Reynolds	<p>Application received from Mr &amp; Mrs Field of Hollyfield Properties (4 Durham Road, Esh Winning) enquiring if the Council would wish to dispose of Council owned property – 5 Holly Park, Ushaw Moor.</p> <p>Recommend that the application is approved.</p>	12.6.07
12	Councillor Reynolds & B Spears	<p>Application received in respect of attendance at Planning Summer School at Swansea University, Wales on 31 August to 4 September 2007 from Cllr Mrs M Simmons and Dr M Norman</p> <p>Application is approved</p>	15.6.07 8.6.07
13	Councillor Reynolds	<p>Sale of land at 48 Green Crescent Coxhoe. The Council has previously agreed to dispose of a 164 sq metre site to a Mr Jackson of 48 Green Crescent Coxhoe for garden use only. The site was valued by the Council's agent and the open market value was given as £2132.00. Mr Jackson has now made various representations in respect of the valuation and has offered the sum of £1,000 and the council is being asked to consider selling the site at this price.</p> <p>Recommended to agree to dispose of the site for £1,000 with Mr Jackson bearing the council's usual valuation and legal fees.</p>	18.6.07
14	Councillor Reynolds	<p>To award the contract for the works at the Town Hall, Market Place, Durham. A number of companies were requested to submit tenders for the work to be carried out and it was recommended that Vest Construction, whose tender was in the amount of £754,006 be awarded the contract to carry out the work</p>	18.6.07

15	Councillor Reynolds	Application to purchase land adjoining 22 Lime Park Brandon received from Dr Wael Ellabban & Mrs Aziza Zaher for use for garden land and to keep rubbish from accumulating in the area. Recommended that the application be refused.	22.6.07
16	Councillor Rae	An application has been received from IML concerts asking for the closure of the riverside footpaths for the Jools Holland concert on Saturday 28 July 2007. The closure would be from 4 pm to 12.00 midnight. Recommended that the closure of the said riverside footpaths or part thereof on Saturday 28 July be approved and the Chief Executive be authorised to take the necessary steps to fulfil the legal requirements of Section 7 of the Durham City Council Act 1985 in this connection and the organisers pay the costs involved in advertising the closure.	28.6.07
17	Councillor Thomson	To authorise costs of £7728.40 in relation to advertising the existing Strategic Care Manager vacancy. Recommended that the post of Strategic Care Manager be advertised and filled in the normal way to continue this high quality adaptation service to the tenants of City of Durham	29.6.07
18	Councillor Reynolds	Application received from Mr Crisp of 1 Meldon Avenue, Sherburn Village to purchase land at the rear of 1 Meldon Avenue in order to extend his garden Recommend that the application be refused	29.6.07
19	Councillor Reynolds	Application received from the Clerk to Shadforth Parish Council for permission to locate Parish Notice Board on land adjoining Ludworth Community Centre. Recommend that the application be approved	29.6.07
20	Councillor Reynolds	Application received from Pitlington Primary School via Durham County Council enquiring if the Council would consider transferring land adjacent to Pitlington Primary School field at a peppercorn consideration or at a nil rent to create a discrete environmental and wildlife area. Recommend that the application be refused and the land be retained by the Council as public open space.	05.7.07

**SCRUTINY REPORTS – REPORTING PROCEDURE**

**AGREED BY – THE CHAIR AND VICE CHAIR OF SCRUTINY, THE LEADER OF THE COUNCIL AND THE CHIEF EXECUTIVE**

**29<sup>th</sup> June, 2007.**

As soon as a Scrutiny Panel has agreed its Report, Martin Dufferwiel to forward the Report to:

- a) The relevant Portfolio Holder.
- b) Pauline Carter – for discussion at the next PH's Meeting.
- c) Management Team – to look at possible resource implications.

The Scrutiny Panel Report will also go, as normal, to the Scrutiny Committee.

If PH's or Officers identify any possible issues/concerns with the Recommendations contained in the Report, they are able to come to the Scrutiny Committee when the Report is being considered, to voice these issues/concerns.

The Scrutiny Committee will then either agree the Report in full or part, or refer it back to the Panel. The agreed Report will then be submitted to Cabinet.

In accordance with the Scrutiny Procedure Rules, Cabinet will then have a maximum of two months before it must consider the Report.

If the Report is accepted at Cabinet, the relevant PH will take responsibility for implementation and work with the appropriate Officer to decide when and how the Recommendations can be accomplished and will advise the Chair of the relevant Scrutiny Panel of this within four weeks.

If the Report is rejected by Cabinet in full or part, the PH will give a written response to the Chair of the relevant Scrutiny Panel within four weeks or attend the next meeting of the Panel, whichever is the sooner, to explain the reasons for rejection.

**REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL - July 2007**

**REVIEW OF SCRUTINY OF COUNCIL GARAGES RECOMMENDATION**

**1. Background**

The topic of Council Garages was considered by the Community Services Scrutiny Panel in 2005 and the report and recommendations were approved and accepted by Cabinet in October 2005.

The topic was reviewed in November 2006 when the Council's Senior Housing Officer reported to the Panel that a Policy on Council Garages had been written and all but one of the recommendations had been implemented. Due to resource limitations it had not been possible to introduce a regular inspection system. Members of the Panel were appreciative of the progress that had been made but expressed their concerns about the potential mis-use of some garages and the need for regular inspection.

In the review report the need for the development of a garage inspection system was re-emphasised and twice-yearly inspection was recommended. Because of staffing limitations this recommendation was rejected by Cabinet and the Panel was asked to work with officers to recommend an alternative inspection routine.

**2. Actions**

On 19 June 2007 the Chairman of the Scrutiny Panel met with the Council's Senior Housing Officer to discuss garage inspection issues. These were further discussed with the panel members on 3 July 2007.

**3. Outcomes**

A temporary housing officer has started inspection of some garage sites, identifying necessary repairs with a view to reletting.

The Temporary Enforcement Officer has been involved with regard to garage mis-use. She works with Neighbourhood Wardens, the Community Safety Officer and the police in efforts to prevent anti-social behaviour.

Problems with garage sites can be referred to zonal meetings with the first person to inform being the relevant housing officer.

Councillors stated that they were disappointed that the biannual inspections could not take place but agreed that members should be encouraged to work with Officers. They also asked that members be kept informed about relevant zonal meetings and received updates where appropriate.

**4. Recommendations**

1. That all members be informed that if the mis-use of garages, or anti-social behaviour on garage sites, comes to their attention it should be reported to the relevant housing officer for discussion at the appropriate zonal meeting and that where necessary the involvement of the Tenancy Enforcement Officer should be sought.



2. That with due regard for confidentiality, members be kept informed of appropriate issues and outcomes of zonal meetings in their areas.

**N.B. The topic as a whole is due to be reviewed in January 2008**

## **REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL - July 2007**

### **REVIEW OF SCRUTINY OF PERMANENT SITE PROVISION FOR GYPSIES AND TRAVELLERS - RECOMMENDATIONS**

#### **1. Background**

In September 2005 the Head of Planning Services presented to Cabinet a 'Preferred Options Report for Housing', which identified potential options for future planning policy for housing within the District. The preferred options as detailed in the report were agreed by Cabinet, one of these being to 'seek one additional gypsy/traveller site within the Durham City district'.

The topic was referred to the Community Services Scrutiny Panel to allow further assessment of the District and County perspectives with regard to Gypsy and Travelling communities, but principally to review permanent site provision in the Durham City district.

A report on the topic was approved by the Scrutiny Committee in March 2007 and presented to Cabinet in June 2007.

The report was referred back to Scrutiny as it was not felt that Cabinet could accept all of the recommendations.

#### **2. Actions**

One recommendation expressed the view that account should be given to the findings of the then emerging County and District wide consultation on the Needs Assessment for Gypsies and Travellers. This has now been completed, and panel members and a housing officer attended a consultation exercise on 11 June 2007.

The Chairman of the Community Services Panel has met with the Portfolio holder for Housing to discuss the relevant issues with a view to revising the recommendations.

#### **3. Outcomes**

**The Study of the Accommodation and Support Needs of Gypsies and Travellers in County Durham: - findings relevant to this Scrutiny Report and its recommendations.**

##### **NEW SITE PROVISION**

The accommodation needs modelling suggested that between three and five small permanent sites were required in the county but the indication was that the need was primarily in the Barnard Castle/Teesdale area and in Easington. There was no indication from traveller groups that additional permanent sites were required in the Durham City area.

##### **SITE REFURBISHMENT**

There is urgent need to refurbish permanent local authority sites across the county. Durham County Council has committed £1.07m to site refurbishment and further government grant funding for Gypsy Sites is available up to 2007/08

'Adventure Lane' West Rainton - there is a need for improvements, particularly to sheds and toilets.

#### TRAVELLER TASK GROUP

It was clear that the county currently lacked a co-ordinated response to the issues raised in the study. It was recommended that better co-ordination could be achieved through setting up a 'Traveller Task Group', comprising senior appointees from key agencies.

#### 4. Recommendations

In view of the evidence presented to the Community Services Scrutiny Panel, the concerns of Cabinet Members and the outcomes of the Study of the Accommodation and Support Needs of Gypsies and Travellers in County Durham, the following revised recommendations are made:-

1. That Option 2 in the 'Preferred Options Report for Housing', as presented to Cabinet on 12 September 2005, should **NOT** be pursued. (unchanged)
2. That in preparing the submission version of Planning for Housing, the present preferred option be replaced by a more general approach to Gypsies and Travellers that will take account of the research findings in the Study of the Accommodation and Support Needs of Gypsies and Travellers in County Durham. (amended)
3. That with regard to the needs of the Gypsy and Traveller and settled communities this Authority seeks to work positively with the Durham County Council and other District Councils across the community and seeks to be part of the proposed 'Traveller Task Group'. (reference to 'Task Group' added)
4. That should Durham County Council apply for government funding to refurbish Gypsy sites, the programme of refurbishment should include the upgrading of facilities at Adventure Lane, West Rainton. (new)
5. That a Scrutiny be carried out on the procedures for dealing with unauthorised encampments, taking account of the needs of the Gypsy and Traveller and settled communities. (unchanged)
6. That when investigation into both permanent sites and unauthorised encampments of Gypsy and Travelling communities has been carried out, a revised, comprehensive policy should be drafted to include appropriate protocols. (new)
7. That this Scrutiny be reviewed in July 2007. (date amended)