

City of Durham

At a Meeting of **SCRUTINY COMMITTEE** held in the Mayor's Chamber, Town Hall, on Tuesday, 25th March, 2008 at 5.30 p.m.

Present: Councillor Hopgood (in the Chair)
and Councillors Colledge, Howarth, McDonnell, Moderate, Robinson and Wolstenholme

Also Present: Councillors Kellett, Kelly and Marsden

Jane Kevan – Licensing Manager, City of Durham

. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Simpson and Walton.

. **PRESENTATION BY THE LICENSING MANAGER ON CHANGES TO THE CITY OF DURHAM LICENSING POLICY**

Mrs Jane Kevan, Licensing Manager gave Members a comprehensive overview of changes to the City of Durham Licensing Policy.

After a question and answer session, the Chairman thanked Mrs Kevan, for a very informative Presentation.

. **MINUTES**

Minutes of the Meeting of 24th January, 2008 and the Special Meeting 7th February, 2008, were confirmed as a correct record and signed by the Chair subject to an amendment to Minute 473 as set out below in bold type.

“473. CABINET DECISIONS

- **3rd December, 2007**
- **17th December, 2007**
- **9th January, 2007**
- **14th January, 2007**

*The Cabinet reports had been noted. Councillor Howarth raised **some items from the Sustainable Development Policy, which had been presented to Cabinet on the 14th January as being possible subjects for future Scrutiny.***

. **CHAIRMAN'S REMARKS**

The Chair updated Members on the improved level of feedback received from Portfolio Holders and Senior Officers regarding Scrutiny Reports.

The Chair also informed Members of the specific responses to Portfolio Holder Decision queries raised at the meeting held on 17th January, 2008 with the Members who raised the queries having received a written reply.

Members were given information as to the latest developments in relation to the County Durham Joint Scrutiny meetings taking place regarding NEETs, Public Transport and issues relating to the Local Government Review.

The position regarding travelling expenses relating to training for Scrutiny Members was clarified, with Members noting that any travelling expense claims should be submitted on the regular forms as usual. The Chair informed Members that therefore the travelling expenses would not come directly from the Scrutiny Training budget.

Due to the upcoming elections, the Chair informed Members that the meetings of the Policy Scrutiny Panel and Environment Scrutiny Panel to be held 29th and 30th of April, 2008 respectively, were to be cancelled.

SCRUTINY PANEL REPORTS

Economic Scrutiny Panel – Review of CCTV

Copies of an amended report were circulated to Members for their consideration. The slight amendment was to recommendation 3.1 such that it read:

“3.1 That the Council support recommendations 1,2,3 & 5 made in the Durham City CCTV System: A Review by Durham Constabulary (Appendix A).”

Resolved: That, subject to the amendment as set out above, the report be sent to Cabinet for consideration.

Community Services Scrutiny Panel – Review of Homelessness

Copies of an amended report were circulated to Members for their consideration. Councillor Howarth informed Members of the relevant additions and the reasons for these amendments.

Resolved: That, subject to the amendments as set out in the amended report, the report be sent to Cabinet for consideration.

Environment Scrutiny Panel – Climate Change

Copies of the report were circulated with the Agenda papers for Members consideration.

Resolved: That the report be sent to Cabinet for consideration.

CABINET DECISIONS

- **13th February, 2008**
- **5th March, 2008**
- **19th March, 2008**

The Cabinet reports had been noted. The Chair and Vice-Chair informed Members that they would be holding discussions regarding the future role of Scrutiny at the City of Durham, in the period prior to the vesting of the new Unitary Authority in April, 2009.

VERBAL REPORTS OF PANEL CHAIRS

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

FORWARD PLAN

The Committee considered the Forward Plan No. 71, which was effective from 1st April, 2008, and had no comments to make.

DECISIONS TAKEN BY PORTFOLIO HOLDERS SINCE LAST MEETING

Councillor Robinson requested clarification as regards a request to the Flourishing Communities (Small Grants) Fund which had not yet received a response from the Portfolio Holder. Councillor Robinson highlighted Portfolio Holder Decisions Nos. 11, 12 and 13, as example of where these grants had been approved.

Councillor Robinson also requested clarification relating to two Portfolio Holder Decisions, Nos. 19 and 22 relating the sale of Council owned land and a satisfactory explanation was given by the Officer in attendance at the meeting.

Resolved: That a written response be requested from the relevant Portfolio Holder in regard to the outstanding query set out above.

ANY OTHER BUSINESS

There was no other business.

Meeting terminated 6.30 p.m.

Chair

REPORT OF THE ENVIRONMENT SCRUTINY PANEL

REVIEW OF SCRUTINY TOPIC: BIODIVERSITY

1. Background

- 1.1 The topic was originally been scrutinised in 2005, reported to Scrutiny Committee 05 September 2005. The report was subsequently submitted to Cabinet 24 October 2005 and approved. A review of the topic was submitted to Cabinet in January 2007 which recommended a subsequent review in 6 months.

2. Aims

- 2.1 The aim of this report is to bring members update with the progress made in this topic area.

3. Actions & Outcomes

- 3.1 The Sustainable Development Manager attended a meeting of the Environment Scrutiny Panel and informed Members of progress that had been made in the following areas:-

- Witton Dene
- Coalfields and Communities Scheme
- Access to Nature
- Woodland in the City
- Open Space Needs Assessment
- Cassop Vale

3.2 Witton Dene

The Friends Group for Witton Dene is well established, a Management Plan was developed for the site and various funding bids have been pulled together. Funding is expected from the Minerals Valleys Project and Breathing Spaces Fund to cover costs associated with access improvements, including paths through the site and wetland scrapes.

3.3 Coalfields and Community Scheme

Browney Meadow has benefited from a new footpath, an interpretation panel and a new viewing point having been established. The Pondarosa at Meadowfield now has two interpretation panels. Council owned land at Flass Vale has been designated as a Nature Reserve and additional funding has been secured to enable installation of interpretation panels to give historic, access and wildlife information. A Local Strategic Partnership Group is keen to support Flass Vale to improve the quality of the footpaths. Also funds have been obtained to improve a footpath at Hopper's Wood.

3.4 Access to Nature

The Access to Nature was started by Natural England (previously English Nature) and there have been invitations for applications for funding (which come from the Big Lottery Fund's Changing Spaces programme as well as Natural England), with the deadline for this being April 2008. The City of Durham came together in partnership with Dean & Chapter, University of Durham and North East Community Forest, however the Dean & Chapter and University of Durham are principally concerned with the riverbanks within the City Centre. The funding is prioritised so that it is awarded to those areas of high social, economic and/or environmental deprivation. The issues associated with the woodland within the City Centre will be considered by a City Woodland Partnership who will look at opportunities to consider estate management for the woodland areas and consider how to gain access to, and link, various funding pots in an attempt to try and support woodland improvements. A new core partnership has been established with City of Durham, North East Community Forest, Durham County Council and the Local Strategic Partnership. A bid had been

submitted for funding to allow for a new post that can focus on engaging district communities, giving them information relating to local wildlife hopefully leading to an increased appreciation. This bid will also enable the establishment of a further post to look at County wide issues and another post related to I.T. issues associated with this work.

The Dean & Chapter and the University of Durham have advised that the cost to remove one tree was approximately £1000 and consequently it would prove to be very expensive to remove many of the trees and plant saplings along the Riverbanks. Sedgefield Borough Council maintains an area of woodland, of a similar size, at a cost of £90,000 per annum. The City of Durham, University of Durham and the Dean & Chapter would require approximately £200,000 per annum to properly maintain woodland areas within the City Centre. Risks of having a poor maintenance regime can be explained through the example of an incident on land owned by the Dean and Chapter where a mature tree was blown down after a storm. Not only did the tree require removal, subsequent to its removal, the bank side suffered a landslip which in turn presented a danger to the public, and had an associated cost for rectification. The City of Durham Council receives legal claims associated with damage caused by trees.

An example of a holistic approach can be seen in York where the City of York Council, who see their riverside as an integral piece of their tourism puzzle. Accordingly, they ensure funds for effective maintenance are in place to ensure a high standard is realised, making the areas attractive to tourists.

Care should be taken in the management of the trees along the riverbanks within Durham. Many of the trees are part of a 19th century plantation and as such a lot of the trees are reaching the end of their lifespan. At this stage, the trees can rot internally, and whilst appearing healthy from the outside, they can be structurally unsound, and therefore there is a risk not only that the trees could fall causing damage or injury, but also of the loss of stability to many of the steeper areas of the riverbanks. This could have an impact upon not only the aesthetic of the riverbanks area, but also could lead to structural damage to properties situated above the riverbanks.

3.5 Open Space Needs Assessment

A draft report relating to the Open Space Needs Assessment was due the end of March 2008 and this would be circulated to Members for comments. The report investigates the different types of open space and the levels of provision associated with each type of open space. It was noted however, that the Open Space Needs Assessment looks at people's needs within settlement areas rather than large open spaces within the "open countryside".

3.6 Cassop Vale

A recent visit to Cassop Vale at the invitation of Local Ward Member, Councillor Marsden, was arranged to check for the presence of water voles but unfortunately, none were spotted. However, there was clear evidence of the presence of water voles and it is believed that there is a large colony. This would be exciting news as in the last 20 years the national water vole population has dramatically decreased.

4. Recommendations

- 4.1 That the City of Durham Council encourage the new Unitary Authority to continue the good work which has taken place in the City of Durham District after vesting in April 2009.
- 4.2 That a further review of the topic takes place if required.

Draft Report of Community Services Scrutiny Panel

Scrutiny of Unauthorised Encampments of Gypsies and Travellers

1. Background

- 1.1 It was recommended by the Community Services Scrutiny Panel in their scrutiny report on Gypsy & Traveller Encampments ... "that a Scrutiny be carried out on the procedures for dealing with unauthorised encampments, taking into account the needs of the Gypsy and Traveller and settled communities." The original scrutiny was carried out in 2006 and went to Scrutiny Committee March 2007 and was adopted by Cabinet in June, 2007.
- 1.2 Prior to the Scrutiny being carried out problems had been experienced in the Sherburn Ward of the district with unauthorised encampments.

2. Aims and Objectives

- 2.1 The purpose of the scrutiny was to look at problems surrounding unauthorised encampments of Gypsies and Travellers.
- 2.2 The specific issues that were looked at were the procedures and responsibilities involved with unauthorised encampments.
- 2.3 To establish a protocol to reflect a balance between the rights of Travellers and the local Community.

3. Actions

- 3.1 In attendance at the meeting of the Community Services Scrutiny Panel, February, 2008, were the City Council's Environmental Manager and Senior Neighbourhood Warden together with senior Travellers Liaison Service representatives from Durham County Council to give the Panel background information on the current situation.
- 3.2 Discussions took place at the Panel meeting regarding the suggested protocol.

4. Outcomes

- 4.1 The Travellers Liaison Services advised the Panel that there had been 136 incidents relating to unauthorised encampments in the County area in the last year. However the number of incidents in City of Durham district were 8, and listed below:-

Sherburn Hill 3 May to 8 May.

Sherburn Village 26 May to 5 June.

Sherburn Village 5 June to 7 June.

Meadowfield 14 June to 16 June.

West Rainton 2 July to 13 July

West Rainton 7 July to 23 July

Belmont 19 August to 30 August

Croxdale 27 August to 29 August

Croxdale 27 August to 29 August

Sherburn Village 10 October to 16 October

Lanchester 23 October to unknown

- 4.2 The panel were advised that following the incidents at Sherburn Village a meeting had been convened to try to find a suitable overnight stopping area. A facility used by the County Highways had been identified but due to the construction of a new road this was no longer available. Once the new road has been completed there maybe a site available in this area.
- 4.3 The Panel were advised of a site on a roundabout on the A68 which could accommodate upto 10 vans and is reasonably well screened. However, it is easier to identify suitable locations in rural areas rather than built up areas. There are particular difficulties in Durham City district because travelling families pulling in to lay bys, the welfare of the travellers is a particular concern in these circumstances. Members questioned why travellers came to the district as they thought it could be for employment but were advised that it is usually to visit family but would use the opportunity to work while they were here, but don't come for that particular reason.
- 4.4 The Travellers Liaison Service explained that some travelling families may reside in a house most of the year but in order to retain their travelling traditions and culture they may travel short distances.
- 4.5 An executive group has been set up, to establish a common purpose across the County. A sub group of the executive group has been established and has representatives from all the District Councils within the County.
- 4.6 The Travellers Liaison Service is the first point of contact, there is no out of hours service but there is an answer machine for people to leave a message, all messages will be picked up the next working day. The first visit to the encampment by the Travellers Liaison Service is to gather information which will allay public fears, not necessarily to have all the answers but to manage the situation in the interests of the travellers and local community.
- 4.7 Traveller Liaison Service contact telephone number is currently unavailable, but it will be publicised when it has been obtained. However, the police are better placed to deal with anti-social behaviour issues. Traveller Liaison Service advised that elected Members should not be tempted to deal with travellers problems themselves, this should be left to the Traveller Liaison Service as their response is usually within 48 hours, but the service covers a wide area with 6 permanent encampments managed so there could be a short delay.
The TLS also has a page on the County Council's website which gives information and advice.
- 4.8 In some circumstances travellers did not use the facilities provided. TLS informed Members that they should be informed of any problems and would advise families that should they return to this site they would be moved on.
- 4.9 To be effective, a countywide approach has to be taken. Most of the district councils are looking for suitable areas. Some sites are only open during the summer months but, should the need arise can be opened as an emergency measure during the winter.
- 4.10 In the past prior to the protocol being established, there was a lot of dithering which led to matters becoming worse. There is a code of conduct for users of sites, which considers noise and tidiness. The protocol is discussed with travellers to help understanding and

awareness of what is required, who are then provided with their own copy. Travellers Liaison Service contacts the police, district council and elected members, however, elected members have sometimes been missed.

- 4.11 An early welfare report is an advantage, some travellers could have lots of different needs, but it is not always easy to obtain the information. Once raw data has been obtained decisions have to be made quickly and the length of stay is a key issue.
- 4.12 The County Council picks up most of the clean up bill, or this was the case at the Byers Garth incident. It was noted by the Panel that problems of fly tipping might not be from the travelling community.
- 4.13 The Police had advised the Panel that their hands were tied by legislation and often it was better to let Travellers Liaison Service to speak to travellers in the first instance as this would help to build trust.
- 4.14 Questions were asked concerning whether the numbers of burglaries had increased near to areas where sites were located and were advised that this was not the case it was anti-social behaviour which was a bigger cause for concern. Problems can arise from people who call themselves travellers but they are not, often the travelling community does not want these people.

5. Recommendations

- 5.1 That a revised protocol be drafted for discussion with Travellers Liaison Service.
- 5.2 That Parish Clerks contact details are supplied to Travellers Liaison Service.
- 5.3 That the Travellers Liaison Services contact details are supplied to Environmental Health as soon as possible and made available to Councillors and Parish Councils.
- 5.4 That all interested parties receive a copy of the report for information.
- 5.5 That the Portfolio Holder for Communities and Chair of Community Services Scrutiny Panel attend an encampment together with Traveller Liaison Service and report back to the Scrutiny Panel.
- 5.6 That the scrutiny of unauthorised encampments be reviewed if any problems arise.
- 5.7 That Councillors and relevant Council Officers and the Travellers Liaison Service should endeavour to identify stop over sites for travellers.

REPORT OF COMMUNITY SERVICES SCRUTINY PANEL

Review of Council Garages

1 Background

- 1.1.1 The Community Services Scrutiny Panel first reviewed the letting of Council garages in 2005, following concern that some garages were being used inappropriately.
- 1.2 The Panel's report and recommendations were approved and adopted by Cabinet in October 2005, and the Policy on Council Garages was approved in September 2006. The topic had previously been reviewed November, 2007.

2 Actions/Outcomes

- 2.1 The Council's Housing Manager was in attendance at the Panel's Meeting on 13th March, 2008, and advised Members that Garages continue to be managed in accordance with the Policy.
- 2.2 Other than one report from Brandon, there had been no further reports of misuse received and no demolitions had taken place. Where misuse was suspected, this can be reported to Housing Officers who can involve the Tenancy Enforcement Officer where necessary, and refer the matter to the regular Zonal Meetings.

3 Recommendations

The Community Services Scrutiny Panel therefore recommend:-

- 3.1 That Council Garages continue to be managed in accordance with the Council Garages Policy and Tenancy Agreement.
- 3.2 That the Council Garages Policy be commended to the New Authority.

SCRUTINY COMMITTEE
22 April 2008
DECISIONS TAKEN BY PORTFOLIO MEMBERS

No.	Portfolio Member	Nature of Decision	Date
1	Councillor Thomson	Request for permission to Durham Constabulary to install an aerial on the roof of the CCTV building in Claypath Durham. Recommended that the aerial can be erected at no cost to the authority for the 5 years agreed.	13.3.08
2	Councillor Southwell	Request for financial assistance has been received from Karuna Bodhisattva Order a not for profit organisation in the Durham area. The services of the order are open to all faiths and they are currently in the process of establishing links with hospitals, courts prisons and youth organisations. Recommended that the Council donate £100 for the financial year 2007/8.	17.3.08
3	Councillor Southwell	Request for financial assistance received from the Friends of Durham Cathedral towards the cost of the Ramsey Memorial window in memory of Bishop Ramsey. The transfiguration window is to be located in the South Choir Aisle. Recommended that a donation of £100 be made for the financial year 2007/8	17.3.08
4	Councillor Thomson	Application received from Northern Electric Distribution Ltd to divert a length of existing high voltage underground cable through City Council land along the new route for the purpose of providing new supplies to 42 new dwellings at Commercial Street DVR development site in Brandon. Terms to subject to the standard NEDL Wayleave which can be terminated by the City Council upon the giving of 12 months notice. Company to be responsible for payment of the Council's legal costs. Recommended to approve the granting of a Wayleave.	12.3.08
5	Councillor Reynolds	To consider the recommendation to serve a Notice to Quit on a tenant in occupation of council land at Byland Lodge Durham. The area of land is occupied to the rear of tenants property although does not have the benefit of formal Tenancy Agreement in the tenants name. As the land occupied forms part of the DVR Byland Lodge disposal site the authority must take urgent steps to formally terminate that occupation by way of a Notice to Quit. In the absence of a formal Tenancy Agreement the council cannot formally bring the tenants occupation to an end until 31 March 2009. Recommended to approve the serving of a Notice to Quit in order to bring the occupation of council land to an end with effect from 31 March 2009.	18.3.08
6	Councillor Reynolds	Application to purchase land adjoining 1 Stanley Close Sherburn Village Durham from Mr Turnbull of 1 Stanley Close. It is intended that the applicant will use the land to extend his property/driveway. Recommended that subject to contract and conditions an area of 20 sq m or thereabouts be offered to the applicant on terms to	18.3.08

		be agreed by the Council's Valuer.	
7	Councillor Reynolds	Application to purchase land adjoining 67 Deerness heights Brandon from Mrs Lawton of 67 Deerness Heights. The applicant intends to use the land to either construct a brick extension or a conservatory. Recommended that subject to contract and conditions that an area of 130 sq m or thereabouts be offered to the applicant on terms to be determined by the Council's Valuer.	18.3.08
8	Councillor Reynolds	Application to dedicate council owned land at Station Avenue and Red Ridges Brandon to Durham County Council. The dedication land would be used to carry out a link to the bus stop at Commercial Street Brandon directly to Brandon Lane School. Recommended that subject to contract and conditions areas totalling 107 sq m or thereabouts be dedicated to the County Council.	18.3.08
9	Councillor Reynolds	Application for vehicular access licence at 14 Linden Grove Coxhoe received from Mr Thornton the tenant of 14 Linden Grove. Mr Thornton intends to create a vehicular hard-standing within the residential curtilage of 14 Linden Grove and gain access to it via council owned land in question. Recommended that subject to contract and under conditions an area of 9 sq m or thereabouts be offered to the applicant on a usual vehicular licence.	18.3.08
10	Councillor Reynolds	Application to agree which Members should attend one of the Royal Garden Parties 2008. Recommendation that Councillors Colledge and Southwell be nominated to attend the Royal Garden Party 2008	11.3.08
11	Councillor Thomson (Communities)	Application has been received in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicants from their home (Ref. 319) Recommend that the Applicant be awarded the full amount of £4,400 as set by the Government	14.3.08
12	Councillor Thomson (Communities)	Application has been received in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicants from their home (319). Recommend that a payment of £1,400 be made to the applicant	14.3.08
13	Councillor Thomson (Communities)	Application has been received in respect of a Home Loss payment as a result of the Council compulsorily displacing the applicant from his home (Ref 318). Recommend that the Applicant be awarded the full amount of £4,400 be awarded the full amount of £4,400 as set by the Government	19.3.08
14	Councillor Thomson (Communities)	Application has been received in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from his home (Ref 318). Recommend that a payment of £1,000 be made to the applicant	19.3.08
15	Councillor Reynolds (Legal)	To consider an application for extension of licence to occupy land adjoining 7 Durham Road West Bowburn following the granting of a licence as previously	2.4.08

		approved and entered into for a period ending on the 31 March 2008. Recommended that the licence granted to the owner of Artful Ink to occupy land adjoining 7 Durham Road West Bowburn for working space during building work to extend the adjoining tattoo parlour be renewed for a period of 6 months commencing 1 April 2008 and incorporating the same conditions for laying out the land as an amenity space at the end of the licence period but strictly on the understanding that no further extension or renewal will be granted.	
16	Councillor Reynolds	Application received from Brandon and Byshottles Parish Council enquiring if the Council would consider granting permission to place a seat on Council owned land at East View, Meadowfield. Recommend that subject to contract and certain conditions a licence be granted to place a seat on Council land at East View, Meadowfield	7.4.08
17	Councillor Southwell (Strategic Services)	To award an Over 60's grant for the financial year 2008/9 to those organisations listed. Confirmation has been received from the clubs listed that they are still in existence and their aims and objectives remain unchanged. The grant for 2008/9 is set at £200 per village and a provision of £4,400 was agreed during the 2008/9 estimates in anticipation of such requests. Recommended that each of the organisations listed be granted £200 or the grant split equally if more than one organisation exists in one area, and that should an application be received from an organisation within an area which at present does not receive a grant they be offered a grant of £200.	3.4.08