

City of Durham

At a Meeting of **SCRUTINY COMMITTEE** held in the Mayor's Chamber, Town Hall, on Monday, 15th September, 2008, at 5.30 p.m.

Present: Councillor Hopgood (in the Chair)
and Councillors Carr, Colledge, Kelly, McDonnell, Robinson, Turnbull and Walton

Also Present: Councillors Cowper, Kellett, Kinghorn, Marsden, Plews, Smith and Stoddart
The Director of Corporate Services was also in attendance

179. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Howarth, Wilkinson and Wilkes

180. MINUTES

Minutes of the Meeting of 14th July, 2008, were confirmed as a correct record.

The Chair referred to Minute 116, Cabinet Decisions, and advised the Committee that no response had been received from the Portfolio Holder relating to the Scrutiny report on the Review of Leisure Services. The Chair would be pursuing this issue.

The Chair referred to Minute 121, Portfolio Holder Decisions and read out a response from the Leader to the questions asked. The Chair asked for a copy of the letter be sent to the relevant members of the Committee.

NOTE: 5.31 p.m. Councillor Kelly joined the meeting

181. CHAIRMAN'S REMARKS

The Chair advised the Committee that she had attended a Joint Scrutiny Network meeting in August at County Hall and advised the Network of the City's workload. This exercise was to ensure that the work and appropriate Recommendations of Scrutiny at Durham City are carried forward to the Unitary Authority.

182. UPDATE ON L.G.R. IMPLICATIONS FOR WORKFORCE

Members received an update on LGR Implications for the Workforce from the Director of Corporate Services. The Committee were informed that George Garlick had been appointed as Chief Executive of the Unitary Authority. Durham County Council had endorsed the Corporate structure with six Corporate Director posts. Two of the posts had been filled by "slotting-in" and the other four posts were currently being advertised, the next stage would be to look at the structure at Heads of Service level.

NOTE: 5.35p.m. Councillor Mitchell joined the meeting

City of Durham staff had been kept informed of developments through Communication Matters which came directly from the Executive Director also City of Durham staff could access the Durham County Council website for information and LGR was a standing item on all team briefing agenda.

The Director of Corporate Services advised the Committee that regular meetings had and will continue to take place with Union representatives.

183. SCRUTINY PANEL REPORTS

a). Economic Scrutiny Panel – Review of Tourism

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

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

b). Environment Scrutiny Panel -- Review of Neighbourhood Wardens

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

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

c). Environment Scrutiny Panel – Sustainable Procurement Policy & Carbon Emissions from the Council's Fleet of Vehicles

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

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

d). Community Services Scrutiny Panel – Scrutiny of Allocations Policy

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

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

184. CABINET DECISIONS

The Committee noted the Cabinet report and there were no items they wished to discuss

185. VERBAL REPORTS OF PANEL CHAIRS

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

Members requested that the Executive Director and Portfolio Holder for Finance attend the next Scrutiny Committee meeting to discuss the final cost of the Swimming Pool. A request was also made for the names of the Elected Members who had sat on the Swimming Pool Project Steering Group.

186. FORWARD PLAN

The Committee considered the Forward Plan No. 76, which had been circulated at the meeting and was effective from 1st September, 2008, and had no comments to make.

187. DECISIONS TAKEN BY PORTFOLIO HOLDERS SINCE LAST MEETING

The Committee considered the Portfolio Holder Decisions and noted the report.

Cllr. Kelly, requested an update in relation to Decision No.8.
It was agreed that a written response be sent direct to Cllr. Kelly.

188. ANY OTHER BUSINESS

There was no other business to be discussed.

Meeting terminated at 6.25 pm

Chair

SCRUTINY COMMITTEE

REPORT OF THE COMMUNITY SERVICES SCRUTINY PANEL

REVIEW OF SCRUTINY OF CLOSED CHURCHYARDS

1. Background

- 1.1 The Panel had initially scrutinised closed churchyards and graveyards to obtain an overview of the Council's responsibilities.
- 1.2 The subsequent report made five recommendations and was approved and adopted by Cabinet in November, 2007.

2. Actions

- 2.1 The Council's Technical Support Manager (Environment & Leisure Services) provided the Panel with a briefing note outlining the current situation regarding the new Unitary Authority and workstreams.

3. Outcomes

- 3.1 The Streetscene workstream has not yet considered the issue of churchyard management, however it is a statutory duty for local authorities to take on certain grounds maintenance responsibilities for churchyards once they are officially closed.
- 3.2 The Unitary Authority will therefore assume responsibility for this function from 1st April, 2009.
- 3.3 It is expected that all existing grounds maintenance responsibilities, including headstone inspections will continue to be carried out with no great change from current policy and practice as this is a statutory responsibility.

4. Recommendations

- 4.1 That the report and the recommendations of the Scrutiny of Graveyards, October, 2007, be forwarded to the new Unitary Authority and that attention be drawn to the work of neighbourhood wardens and Environmental Services in order that grounds maintenance continues to be carried out to the current high standards.

Community Services Scrutiny Panel
September 2008

SCRUTINY COMMITTEE
27 October 2008
DECISIONS TAKEN BY PORTFOLIO MEMBERS

No.	Portfolio Member	Nature of Decision	Date
1	Councillor Reynolds	Application to purchase land to the rear of 26 Station Road, West Rainton from Mr & Mrs Henderson of 26 Station Road. Mr & Mrs Henderson had previously applied for this land and were refused. Members asked for the application to be revisited subsequent to an appeal by Mrs Henderson who indicated that the intended use for the land would be garden use only, and that there was no intention to gain access with vehicles. Recommended that subject to contract and under certain conditions an area of 18 square metres or thereabouts be offered to the applicant on terms to be agreed by council valuer.	8.9.08
2	Councillor Reynolds	Application has been received from Mr & Mrs Earl of 1 Foster Avenue Sherburn Village enquiring if the council would consider selling to them land adjacent to their property. They intend to use the land for vehicular hard standing and garden use. Recommended that subject to contract the applicant be offered a reduced are of 25 square metres or thereabouts (2 metre wide strip) on terms to be agreed by Council's Valuer with conditions to apply.	10.9.08
3	Councillor Van Zwanenberg (Planning)	To approve the appointment of the White Young Green Environmental Consultancy and specifically David Walton of that company, to undertake Sustainability Appraisal of Local Development Framework on behalf of the North Durham Partnership for LDF SA on a maximum call off basis of one day per week at £388.72 per day for the period of maternity leave of the remaining NDP Sustainability officer based at Durham County Council. (NB the city council will be reimbursed by the County for the whole of this cost). The decision to be taken without getting four written quotations for a contract of between 5,001 and £50,000 as required under Council's contract procedure rules 3.1. Recommended that the Head of Planning Services writes to WYG to arrange the commissioning of David Walton to carry out the SA work on behalf of the NDP as required during the period of maternity leave of the specialist officer based at County Hall at a rate of £388.74 per day for one day per week as set out in the Official Order from Durham County Council on the basis that the City Council is reimbursed for the whole cost by Durham County Council on behalf of the	12.9.08

		partnership.	
4	Councillor Reynolds	An application has been received from Mr Pemberton of 22 Meldon Avenue, Sherburn Village enquiring if the Council would consider selling to him land to the rear of his property for use as garden only. Recommended that subject to contract and certain conditions an area of 91 square metres or thereabouts be offered to the applicant on terms to be agreed by the Council Valuer.	19.9.08
5	Councillor Southwell	An application has been received from Mr & Mrs Robinson requesting additional rights to be granted for right of vehicular access and associated utility easements for the purpose of making various connections to existing public utilities to serve a new dwelling to the rear of 27 Front Street, Broompark. Vehicle access easement has previously been granted from this authority. Recommended that agreement to granting additional rights to permit both vehicle access and to enable utility connections to serve the new residential dwelling, subject to any increase in the easement consideration payable.	23.9.08
6	Councillor Woods	Application to Grant a Temporary Road Closure to facilitate the Christmas Lights for the City of Durham have been received relating to Sunday, 16 November 2008 between the hours of 3.30 p.m. and 7.00 p.m. for the purposes of switching on of the Christmas Lights. Roads are closed to all vehicles including pedal cycles with the exclusion of emergency vehicles. Recommend that an Order be made in accordance with the provisions of Section 21 of the Town Police Clauses Act 1847 authorising the temporary closure.	29.9.08
7	Councillor Woods	Application to Grant a Temporary Road Closure to facilitate the Christmas Festival for the City of Durham on Saturday, 6 and Sunday 7 December 2008 between the hours of 10.00 a.m. and 5.30 p.m. and 10.00 a.m. and 5.00 p.m. on the respective days has been received to facilitate the Durham Christmas Festival Recommend that an Order be made in accordance with the provisions of Section 21 of the Town Police Clauses Act 1847 authorising the temporary closure	29.9.08
8	Councillor Woods	An application has been received for the granting of a Temporary Road Closure on 23 October 2008 of Back Silver Street, Fowlers Yard from Leonards Coffee House to Turning Point between the hours of 6.00 p.m. and 10.00 p.m. Recommend that an Order be made in accordance with the provisions of Section 21 of the Town Police Clauses Act 1847	30.9.08
9	Councillor Woods	An application has been received for the granting of a Temporary Road Closure on Sunday, 26	30.9.08

		<p>October 2008 on Saddler Street, Owengate, Elvet Bridge and Elvet Waterside between the hours of 10.00 a.m. and 11.00 a.m. to enable The Big Fun Family Run to take place.</p> <p>Recommend that an Order be made in accordance with the provisions of Section 21 of the Town Police Clauses Act 1847</p>	
10	Councillor Reynolds	<p>An application has been received from Mr A Weipert of 10 Runcie Road, Bowburn enquiring if the Council would consider selling to him land adjoining his property to enable him to construct a double garage and associated access.</p> <p>Recommend that subject to contract the application of 143 square metres or thereabouts be approved subject to conditions.</p>	30.9.08
11	Councillor Thomson (legal)	<p>Application to vary restrictive covenant – 28 Hillside View Sherburn Village. The dwelling was previously sold under Right to Buy legislation, subject to a number of conditions including a restrictive covenant not to trade or carry on a business on the premises nor to use the same otherwise than as a private dwelling. The current owner wishes to change the use thereof from a domestic dwelling to use as a dwelling and dog grooming business. On 20 August the council consented to this in its capacity as the Local Planning Authority (Planning ref 4/08/00634/FPA/HAJ). The permission was granted for a period of 12 months. Recommended to approve the variation of the existing covenant to allow change of use of the premises from private dwelling to dwelling and dog grooming business, on terms to be agreed by the Council's Valuer and occupier bearing all legal costs and fees.</p>	2.10.08
12	Councillor Woods	<p>An application has been received from Mr J Dobbin of 112 Taylor Avenue, Bearpark enquiring if the Council would grant a Vehicular Access Licence over Council land adjacent to 114 Taylor Avenue. This would be to allow access to an area of land at the end of the garden of 114 Taylor Avenue that Mr Dobbin has indicated is in his ownership and on which he would build a vehicular hardstanding.</p> <p>Recommended that the application be refused</p>	18.9.08
13	Councillor Thomson & Councillor Southwell (Communities)	<p>An application has been received in respect of a Home Loss payment as a result of the council compulsorily displacing the applicant from her home (Ref. 322). There are outstanding rent arrears of £720.74.</p> <p>Recommend that the rent arrears be deducted from the Home Loss payment of £4,700</p>	7.10.08

14	Councillor Thomson (Communities)	An application has been received in respect of a Disturbance payment as a result of the Council compulsorily displacing the application from her home (Ref. 322). Recommend that a payment of £1,400 be made to the applicant	7.10.08
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