



City of
Durham

MINUTES

for the Month of

December, 2006

City of Durham

At a Meeting of the **CABINET** held in the Town Hall, Durham, on Wednesday, 13th December, 2006, at 2.00 p.m.

Present: Councillor Reynolds (in the Chair)
and Councillors Bell, Dickie, Holland, Jackson, Rae, Southwell, Thomson, van Zwanenberg and Woods.

Also Present: Councillors Carr, Hawgood, Kellett, Kinghorn, Lightley, Lodge, Robinson, Smith, Stoddart, Turnbull, Wolstenholme and Wynn.

376. DECLARATIONS OF INTEREST

There were no Declarations of Interest submitted.

377. APOLOGIES FOR ABSENCE

There were no apologies for absence.

378. MINUTES

The Minutes of the Meeting held on 1st November, 2006, were confirmed as a correct record and signed by the Chairman.

379. PRESENTATIONS

There were no presentations to be submitted.

Portfolio Member Recommendations or Items Requiring a Cabinet Decision

Note: Councillor Rae entered the Meeting at 2.10 p.m.

380. IMPROVEMENT OF CITY OF DURHAM PARKS AND OPEN SPACES

The Portfolio Holder for Environment and Leisure and the Head of Environment and Leisure Services submitted a comprehensive report to request approval for implementation of various measures intended to improve the quality of council parks and open spaces.

Resolved: (i) That the Council progresses physical improvements and development of Management Plans for Coxhoe and Sherburn Parks, in accordance with the timescales in the report, enabling application for Green Flag Accreditation to be made during January 2007.

(ii) That Members note the work currently being done to develop and improve both Wharton Park and Bowburn Park in consultation with the local community.

(iii) That the Council, working in partnership with site users, establishes a long term programme of improvements for all other Council Parks and Open Spaces, to be consolidated through development and adoption of Site Management Plans. The investment needed to achieve the necessary improvements to parks and open spaces will be identified and funding applications submitted to external funding bodies and in accordance with the Council's capital allocation budgetary process.

381. DIGNITY AT WORK POLICY AND PROCEDURE

The Portfolio Holder for Human Resources and the Head of Human Resources submitted a comprehensive report to promote dignity at work and to provide a procedure which enabled the Authority to deal with issues of bullying and harassment raised by employees.

Resolved: That the policy and procedure be adopted with effect from 1st January, 2007.

382. DISPOSAL OF COUNCIL OWNED (NON-STRATEGIC) SITES FOR DEVELOPMENT

The Leader of the Council and the Head of Planning Services submitted a comprehensive report to resolve the disposal of non-operational land for development.

Resolved: (i) That the preparation and submission of applications for planning permission for residential development on the sites contained in the supporting documents be approved.

(ii) That the carrying out of appropriate ground condition surveys be approved prior to their marketing.

(iii) That subject to planning permission being approved, the marketing for sale of the sites at a price to be determined by the Council's Retained Valuer, be approved.

(v) That the placing of any receipts generated from the sale of the sites into the Flourishing Communities Fund, with its future use to be agreed through the appropriate mechanism be approved.

383. NEW HOUSING: PLANNING OBLIGATIONS FOR RECREATIONAL FACILITIES

The Leader of the Council, the Portfolio Holder for Housing and the Head of Planning Services submitted a comprehensive report to review the tariff applied to new residential development schemes arising from implementation of Policy R2 of the Adopted Local Plan.

Resolved: That the fee in lieu of on-site recreational provision be raised from £405 per dwelling to £1,000 per dwelling in compliance with Policy R2 of the Adopted Local Plan.

384. PILOT PROJECT FOR CAR CLUB

The Portfolio Holder for Environment and Leisure, Director of Legal and Administration Services and the Head of Environment and Leisure Services submitted a comprehensive report to request approval for Council support to be provided to Option C car club through provision of 2 parking spaces.

Resolved: (i) That 1 parking space be made available in Byland Lodge and 1 parking space be made available in the Sands car park, free of charge for the placement of 2 car club cars for use by all club members

(ii) That the 2 above mentioned parking spaces are reserved for sole use of these vehicles, including clear marking of the bays.

385. APPLICATION TO PURCHASE LAND AT HIGH STREET SOUTH, LANGLEY MOOR, DURHAM

The Leader of the Council and the Director of Legal and Administration Services submitted a comprehensive report for Cabinet to consider a recent land application by Raebro

Developments Ltd., in respect of a number of small parcels of land at High Street South, Langley Moor which Raebro seek to acquire as part of their proposal to assemble and build out a more substantial site, for which the City of Durham had provided a Development Brief.

Resolved: (i) That the disposal of the various parcels of land at High Street South Langley Moor be approved in principle only, subject to site assembly being achieved and appropriate planning consents being obtained.

(ii) That Raebro Developments Limited be invited to discuss, with Officers, the potential assembly / development of the site in more depth.

(iii) That a further report be submitted for Cabinet's consideration following conclusion of consultations and discussions in accordance with Recommendations (i) and (ii) above.

386. APPLICATION TO LICENCE LAND AT 37 COMMERCIAL STREET, BRANDON, DURHAM

ITEM WITHDRAWN

387. THE PROTECTION OF CHILDREN, YOUNG PEOPLE AND VULNERABLE ADULTS POLICY

The Leader of the Council, Chief Executive and the Executive Director submitted a comprehensive report for the adoption of The Protection of Children, Young People and Vulnerable Adults Policy.

Resolved: (i) That operational departments take responsibility for implementing the policy but that the Chief Executive, Executive Director and Leader take corporate responsibility for the policy once adopted.

(ii) That the policy and procedure be adopted with effect from 1st January 2007.

388. THE IMPLEMENTATION OF THE COUNCIL'S AFFORDABLE HOUSING POLICY AS A SUPPLEMENTARY PLANNING DOCUMENT PURSUANT TO THE ADOPTED LOCAL PLAN (POLICY H12) 2004

The Leader of the Council and the Head of Planning Services submitted a comprehensive report to seek Member approval for formalising a mechanism to secure the provision of affordable housing units on development sites where in excess of 25 residential units are proposed.

Resolved: (i) That the Draft Supplementary Planning Document be approved as a basis for formal consultation.

(ii) That the proposed timescale for action be adopted as a basis for progressing commencement of the mechanism, thereby securing the provision of affordable housing units.

389. POWERS AND DUTIES UNDER THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 AND ANTI-SOCIAL BEHAVIOUR ACT 2003

The Portfolio Holder for Environment and Leisure and the Director of Legal and Administration Services submitted a comprehensive report to advise members of the details of the Clean Neighbourhood and Environment Act 2005, and to seek approval from Members as to the level of Fixed Penalty Notices; the level of any early settlement fee in relation to a Fixed Penalty Notice; the handling of Fixed Penalty Notice receipts; the

designation of areas making it an offence to distribute free literature in those zones and the designation of areas to be subject to Dog Control Orders.

Resolved: (i) Set the level of Fixed Penalty Notice in respect of Sections 19 (litter); 23 (printed material); 60 (dog control orders); 74 (audible alarms) and 28 (graffiti and fly posting) of the Clean Neighbourhood and the Environment Act 2005 at the maximum level of £80 (default level £75).

(ii) Set the level of Fixed Penalty Notice in respect of Sections 22 (street litter notice); 48 (waste receptacles) and 82 (night noise) of the Clean Neighbourhood and the Environment Act 2005 at the maximum level of £110 (default level £100).

(iii) Set the level of early settlement of a Fixed Penalty Notice (within 14 days) at £50 where the default amount for the ticket is £75, and £60 where the default amount of the ticket is £100.

(iv) That the Director of Legal and Administration Services be instructed to investigate whether it would be appropriate to designate any land within the District as an area in which consent must be sought from the Council prior to distributing free printed material, and if so what the consequences of such a designation would be.

(v) That the Head of Environment and Leisure Services be instructed, to determine which land within the District should be subject to a Dog Control Order, and within any land the subject of a Dog Control Order, which offences are applicable.

(vi) That the Head of Environment and Leisure Services be delegated the powers contained within Part 6 of the Anti-social Behaviour Act 2003.

390. FINANCIAL REPORT FOR THE PERIOD 1st APRIL 2006 TO 30th SEPTEMBER 2006 INCORPORATING A PROBABLE OUTTURN POSITION AT 31st MARCH 2007.

The Portfolio Holder for Finance, Director of Strategic Resources and the Head of Financial Services submitted a comprehensive report to consider the City Council's financial performance for the period 1st April 2006 to 30th September 2006, highlighting areas of over and underspend against the year to date budgets, and projecting this to the year end – taking into account known actions and issues in the remaining months of this financial year - for the following:

- ◆ General Fund Revenue Account
- ◆ Housing Revenue Account
- ◆ General Fund Capital Programme
- ◆ HRA Housing Business Plan – Capital Expenditure and Repairs and Maintenance

The report also included a range of additional “balance sheet” financial information at 30th September 2006. In year balance sheet reporting helped to improve the Council's financial and corporate governance arrangements and was a key requirement of the Audit Commissions Use of Resources assessment framework. The balance sheet items contained in the report build on the information provided in terms of external loans and investments (reported in the quarterly Treasury Management reports to Cabinet) and the position in terms of the provision for bad and doubtful debts (reported with the write off's reports to Cabinet).

Resolved: (i) That the year to date position for the various key balance sheet items reported be noted.

(ii) That the financial performance in the period 1st April to 30th September 2006, the estimated outturn position at 31st March 2007 and the projected year-end balances in terms of the General Fund Reserve, the Housing Revenue Account Working Balance and other Earmarked Funds and Reserves be noted.

(iii) That the Programmes and Financing arrangements set out in the appendices in terms of the General Fund Capital Programme and Housing Business Plan be agreed and noted.

391. REPORTS FROM SCRUTINY PANELS

There were no items to be reported from the Scrutiny Panels.

392. MONITORING OFFICER/CHIEF FINANCIAL OFFICER REPORTS

There were no items to be reported from the Monitoring Officer and Chief Financial Officer.

Reports for Information

393. PROPOSED ALTERATIONS TO DURHAM CITY TOWN HALL

The Head of Property Services submitted a comprehensive report to update Members and Officers on the progress being made towards providing inclusive access into the Town Hall.

Resolved: That the report be noted.

394. DISPERSAL OF GROUPS – DISPERSAL ORDER AT SHERBURN HILL AND LUDWORTH

The Head of Community Services submitted a comprehensive report to inform Cabinet of the implementation of a Dispersal Order at Sherburn Hill and Ludworth.

Resolved: That the report be noted.

395. LEADER'S BUSINESS

The Leader of the Council had no Business to report.

396. IN PRIVATE

Portfolio Member Recommendations or Items Requiring a Cabinet Decision

397. DISPOSAL OF TWO SITES AT SCHOOL AVENUE, WEST RAINTON FOR NEW HOUSING DEVELOPMENT BY THREE RIVERS HOUSING ASSOCIATION LIMITED

The Leader of the Council and the Director of Legal and Administration Services submitted a comprehensive report to seek approval for the disposal of two sites at School Avenue, West Rainton for new housing development by Three Rivers Housing Association Limited in accordance with terms reported by the Council Valuer.

Resolved: (i) That the disposal of a site at numbers 47-54 School Avenue, West Rainton to Three Rivers Housing Association Limited for the development of 8 new 2 bedroom bungalows in accordance with terms agreed by the Council Valuer be approved.

(ii) That the disposal of a site at numbers 1 – 12 School Avenue, West Rainton to Three Rivers Housing Association Limited for the development of 8 new 2 bedroom bungalows and 2 new 3 bedroom houses in accordance with terms agreed by the Council Valuer be agreed.

398. DISPOSAL OF SITE OF FORMER STATION HOTEL, USHAW MOOR

The Leader of the Council and the Director of Legal and Administration Services submitted a comprehensive report to consider disposal of the former Station Hotel site at Station Road, Ushaw Moor.

Resolved: That Cabinet agree to offer the site of the former Station Hotel, Station Road, Ushaw Moor for sale to North East Assemblies for a price of not less than £65,000, the buyer also bearing the Council's legal costs and surveyor's fee.

399. SANDS 1 CAR PARK – RENT REVIEWS

The Leader of the Council and the Director of Legal and Administration Services submitted a comprehensive report to seek approval by Cabinet for the settlement of rent reviews to be agreed between the City Council and the Trustees and Wardens of the City of Durham Freeman pursuant to agreements between the same parties which permit the use of the Sands 1 (former Ice Rink) car park.

Resolved: That Cabinet approved the rent reviews for use of the Sands 1 car park pursuant to agreements between the Trustees and Wardens of the City of Durham Freeman and the City Council for the 3 year periods commencing 7 September 1999, 7 September 2002 and 7 September 2005 in accordance with terms as recommended by the Council Valuer.

400. STRATEGIC PROJECT MANAGER

The Portfolio Holder for Human Resources and the Head of Human Resources submitted a comprehensive report to establish the post of Strategic Project Manager in the Business Development Section of Strategic Resources.

Resolved: (i) That a post of Strategic Project Management, Scale PO3-6 be established in the Business Development Section of Strategic Resources.

(ii) That the post be ring fenced to Financial Management Officers, Post No's PS13 and PS14.

(iii) That a post of Financial Management Officer be deleted from the establishment.

401. REGRADING APPLICATIONS - SUPPORT ASSISTANT TYPIST LA 48 PLANNING SUPPORT ASSISTANT – PL30 – FUTURE REGRADING APPLICATIONS

The Portfolio Holder for Human Resources and the Head of Human Resources submitted a comprehensive report to consider two regarding applications and to determine the process for future regarding applications.

Resolved: (i) That the Support Assistant/Typist (LA48) be regraded from Scale 1/2 to a Scale 2/3 and be redesignated Secretarial Support Assistant.

(ii) That the Planning Support Assistant, Post No. PL30 be regraded from a Scale 1/2 to a Scale 2/3.

(iii) That no further regrading applications be considered pending the agreement of job evaluation.

402. EARLY RETIREMENT / VOLUNTARY REDUNDANCY APPLICATIONS

The Portfolio Holder for Human Resources and the Head of Human Resources submitted a comprehensive report to consider applications for Early Retirement / Voluntary Redundancy.

Resolved: (i) That Mr. Wright's application for Early Retirement / Voluntary Redundancy be approved and Post No. PS90, Joiner be deleted from the establishment.

(ii) That Mr. Hunter's application for Early Retirement / Voluntary Redundancy be approved and Post No. PS88, Joiner be deleted from the establishment.

(iii) That Mr. Robson's application for Early Retirement / Voluntary Redundancy be approved and Post No. PS59 be deleted from the establishment.

(iv) That Mr. Snook's application for Early Retirement / Voluntary Redundancy be not approved.

403. REPORTS FOR INFORMATION

There were no In Private, Reports for Information to be submitted.

404. LEADER'S BUSINESS

The Leader of the Council had no Business to report.

The Meeting terminated at 3.10 p.m.

Chairman

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 13th December, 2006, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Crathorne, Hawgood, Hoppood, Howarth, Jackson, Kinghorn, Lightley, Rochford, Lodge, Simpson, Southwell, Syer, Taylor, Walker, Wolstenholme and Young.

Also Present: Councillors Colledge, Marsden, Pitts, Thomson and Wynn.

405. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gibbon, Griffin and Stoddart.

406. MINUTES

The Minutes of the Meeting held on 22nd November, 2006, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services

407. REPORTS FOR INFORMATION

Reports in relation to the following items had been circulated:-

- (a) Notice of Planning/Enforcement Appeals which had been lodged with the City Council:
 - (i) Appeal by Mr J Coates – Site at Langley Wood, Sleetburn Lane, Langley Moor, Durham, DH7 8LQ
 - (ii) Appeal by Mr J Tilly – Site at 23 Lawson Terrace, Durham, DH1 4EW
 - (iii) Appeal by Mr SC Rider – Site at land to the rear of 15 The Avenue, Coxhoe, Durham
 - (iv) Appeal by Bimbi Restaurants – Site at 1 Larches Road, North End, Durham, DH1 4NL
 - (v) Appeal by Mr A Bayat – Site at 10A Church Street, Coxhoe, Durham, DH6 4DD
 - (vi) Appeal by Mr F Maguire – Site at former SG Petch Garage, Front Street, Framwellgate Moor, Durham, DH1 5EJ
 - (vii) Appeal by Mr D Raper – Site at 18 East Street, Hett Village, Durham DH6 4LP

- (b) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
 - Appeal by Mr L Edgar – Site at land adjacent to Red House Farm, Hartside, Durham

- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

- (e) Notification of Section 36 Notice of the Building Act 1984

16 Rogerson Terrace, Croxdale, Durham

Resolved: That the reports be noted.

408. DECISION MADE BY THE COUNTY COUNCIL

CM4/06/1048
Durham County Council **County Hall Grounds, Aykley Heads, Durham, DH1 5UL**
Resurfacing of existing footpath, provision of lighting and trimming of trees

The above application was considered by the City Council under delegated powers on 15th November, 2006, when it was resolved to offer no objection.

Durham County Planning Committee had now considered the proposal and resolved to approve the application subject to conditions.

Resolved: That the report be noted.

409. RECOMMENDATIONS ON OTHER APPLICATIONS

The Head of Planning Services presented reports on the following applications and the following decisions were made:-

- (a) **Sunniside Properties** **Dragon Lane Retail Park, (Former Mono Containers Ltd), Dragon Lane, Dragonville, Durham**
- 06/00949/RM** **Application for revised approval of reserved matters in respect of siting, design and external appearance and landscaping in relation to outline planning permission 4/03/352**
- 06/00950/FPA** **Unit A - Creation of additional 615 square metre mezzanine retail floor space**
- 06/00951/FPA** **Unit B - Creation of additional 1393 square metre mezzanine retail floor space**
- 06/00952/FPA** **Unit C - Creation of additional 744 square metre mezzanine retail floor space**

Resolved: (i) That Application No. 06/00949/RM be **APPROVED** subject to the following conditions:-

- (1) T1 - Time Limit Full Approval 2004
- (2) DT4 - External Materials
- (3) DT8 - Enclosure (Details to be Agreed)
- (4) DT10 - Hardstanding/Surface Materials
- (5) LA2 - Landscaping Scheme (Full/Reserved Matter)
- (6) RU8 - Control of Open Storage

- (7) FD5 - Refuse Provision Fume Extraction Combine
- (8) CL06 - Oil Interceptor
- (9) - Details of any external lighting, including that of lighting columns, lanterns and the intensity of light levels proposed, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The lighting scheme shall thereafter be implemented in accordance with the approved scheme.

(ii) That Application No. 06/00950/FPA be **APPROVED** subject to the following conditions:-

- (1) T1 - Time Limit Full Approval 2004
- (2) - The retails floorspace hereby approved shall be used for the sale of DIY goods, home improvement goods, electrical goods, general building merchandise, furniture and furnishings, beds, floor coverings, motor accessories, office equipment, pet products and garden centre products and for no other use except ancillary purposes.

(iii) That Application No. 06/00951/FPA be **APPROVED** subject to the following conditions:-

- (1) T1 - Time Limit Full Approval 2004
- (2) - The retails floorspace hereby approved shall be used for the sale of DIY goods, home improvement goods, electrical goods, general building merchandise, furniture and furnishings, beds, floor coverings, motor accessories, office equipment, pet products and garden centre products and for no other use except ancillary purposes.
- (3) - The floorspace hereby approved shall not be subdivided or subsequently altered to create further units less than 750m² gross floorspace; and no further internal floorspace shall be created.

(iv) That Application No. 06/00952/FPA be **APPROVED** subject to the following conditions:-

- (1) T1 - Time Limit Full Approval 2004
- (2) - The retails floorspace hereby approved shall be used for the sale of DIY goods, home improvement goods, electrical goods, general building merchandise, furniture and furnishings, beds, floor coverings, motor accessories, office equipment, pet products and garden

centre products and for no other use except ancillary purposes.

The Chairman had agreed to accept, as a matter of urgency, and due to the time factor involved, the Supplementary Report of the Head of Planning Services in relation to Planning Application Nos. 06/01022/FPA and 06/01037/FPA and Tree Preservation Orders PN1/380, PN1/381, PN1/383 and PN1/385.

- (b) **06/01037/FPA** **Webster House, Sherburn Road, Durham**
Three Rivers Housing **Internal alterations of existing 37 flats to provide 10**
Group **no. residential units including office and communal**
 space

Resolved: That the application be **APPROVED** on the basis that no sustainable objection is received by the Council before 15th December, 2006, and subject to the following conditions:-

- (1) T1 - Time Limit Full Approval 2004
- (2) - The approved works shall be used only in connection with occupation of the ten dwelling units as specialist housing as detailed in the supporting documents of this application.

410. TREE PRESERVATION ORDERS

(a) **PN1/380 – North End & The Grove, Durham**

This Tree Preservation Order was served on 6th July, 2006. The Order was made to protect a number of important trees of local significance that were considered to be under threat due to development proposals for the site.

The trees were of mature age and were dominant sky-line trees of great value to local character and appearance. The trees were also likely to be of importance to wildlife as there were known bat roosts nearby.

The Order had had effect for 6 months and it was now necessary to confirm the Order.

No objections had been received, and local residents had expressed support for the Order.

Resolved: That Tree Preservation Order PN1/380, Land between The Grove and North End be confirmed with no modifications.

(b) **PN1/381 – Land at Brown’s Bus Depot, New Brancepeth, Durham**

This Tree Preservation Order was served on 23rd June, 2006. The Order was made to protect a beech tree of local visual importance that was considered to be under threat due to development proposals for the site.

The Order had had effect for 6 months and it was now necessary to confirm the Order.

No objections to the Order had been received.

Resolved: That Tree Preservation Order PN1/381, Land at Brown's Bus Depot, New Brancepeth, Durham, be confirmed.

(c) PN1/383 – Moorcroft, Adventure Lane, West Rainton, Durham

This Tree Preservation Order was served on 11th July, 2006. The Order was made to protect a prominent and mature sycamore tree, on a corner plot, that was considered to be under threat due to development proposals for the site.

The sycamore was a large, mature specimen that was highly visible to the public and clearly visible from nearby roads and footpaths.

The Order had had effect for 6 months and it was now necessary to confirm the Order.

No objections had to the Order had been received.

Resolved: That Tree Preservation Order PN1/383, Moorcroft, Adventure Lane, West Rainton, Durham, be confirmed.

(d) PN1/385 – Land to rear of Blaidwood Drive and Cedar Drive, Durham

This Tree Preservation Order was served on 11th July, 2006. The Order was made to protect a number of significant and mature oak trees that were under threat as a result of an adjacent development. Tree belts adjacent to existing houses were also considered to be under threat and were included within the Order. The threat to these tree belts was considered to have passed, and these had been removed from the Order.

The Order had had effect for 6 months and it was now necessary to confirm the Order to safeguard the oak trees' contribution to public visual amenity.

No objections to the Order had been received.

Resolved: That Tree Preservation Order PN1/385, Blaidwood Drive and Cedar Drive, Durham, be confirmed with modifications to Areas A1 and A2.

Note: Councillor Hopgood declared a prejudicial interest in the undermentioned item, and withdrew from the Meeting during consideration thereof.

411. DELEGATED DECISION FOR RATIFICATION

**Mr Hopgood
06/01022/FPA**

**3 Carlisle Road, Newton Hall, Durham
Erection of full width single storey pitched roof extension to
rear of existing dwelling**

The above application was approved under the scheme of delegated powers on 4th December, 2006, having been in full accordance with Local Plan policies and subject to no objections.

Since the applicant was a relative of a Member of the Council, there was a need for the delegated decision to be ratified by the Development Control Committee.

Resolved: That the decision to approve the application be ratified.

The Meeting terminated at 6.10 p.m.

Chairman

City of Durham

At a Meeting of **SCRUTINY COMMITTEE** held in the Town Hall, Durham, on Monday, 18th December, 2006, at 5.30 p.m.

Present: Councillor Pape (in the Chair) and Councillors: Crathorne, Cummings, Freeman, Hopgood, Howarth, Moderate, Robinson, Simmons, Simpson and Wolstenholme

Also Present: Councillors Hepplewhite, Kellett, Marsden, Southwell, Taylor, Turnbull & Woods. Mr. A Jackson (Technical Support Manager)

412. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Walton.

413. MINUTES

Minutes of the Meeting of 13th November, 2006 were confirmed as a correct record.

414. ATTENDANCE OF PORTFOLIO HOLDER FOR FINANCE

The Portfolio Holder for Finance was invited to attend the meeting after Councillor Lodge had previously expressed concern over the increase in the cost of the Swimming Pool development.

The Portfolio Holder for Finance advised the Committee that the increase was due to changes in the specification of the Pool which had been requested by the residents of the District. When asked where the funds had come from the Portfolio Holder for Finance informed Members that funds were taken from a development account which held grants and monies received from land sales etc.

Note 5.35 p.m. Councillor Southwell left the meeting

415. ATTENDANCE OF PORTFOLIO HOLDER FOR ENVIRONMENT & LEISURE

The Portfolio Holder for Environment & Leisure had been invited to attend the meeting after a question had been asked by Councillor Howarth relating to an item on the list of Portfolio Holder decisions at the previous Scrutiny Committee meeting.

Councillor Howarth had asked for additional information relating to the allocation of funds by The Big Lottery Fund to the City of Durham for play projects.

Members were advised that a consultation exercise would be carried out throughout the District and that the information would be reported back to Scrutiny Committee in February/ March 2007.

Note 5.50 p.m. Councillor Woods left the meeting

416. CHAIRMAN'S REMARKS

The Chairman advised the Committee that a training session had taken place at Collingwood College with the IDEA. The training had covered Scrutiny Best Practice.

The Chairman advised that the results of the Democratic Support Team, Members' Satisfaction Survey had been published and asked Members to note the results.

The Chairman congratulated the Democratic Support Team on the results and on behalf of Members thanked them for their services.

The Chairman advised Members that information had been received from Birmingham University relating to the availability of Scrutiny Training Courses. The Chairman advised that if any members of the Scrutiny Committee wished to attend any of the courses available to contact the Democratic Support Team or himself as funds were available in the Scrutiny budget.

417. FORWARD PLAN

The Committee considered the Forward Plan, which was effective from 1st December, 2006. Members requested that clarification be sought from the Head of Environment & Leisure Services regarding the selection criteria for parks proposed for Green Flag Status.

418. 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.

Members asked for clarification as to why reasons for refusal were given for one Portfolio Holder Decision relating to the allocation of Durham City Enterprise Grants and not for another decision relating to allocation of Durham Enterprise Grants.

419. CABINET DECISIONS 1st NOVEMBER, 2006

The Cabinet report had been noted and there were no items on which the Committee wished to comment.

420. VERBAL UPDATE ON PROGRESS FROM SCRUTINY PANELS

The Chairmen of the various Scrutiny Panels gave verbal reports on the progress of their respective Scrutiny topics.

421. SCRUTINY PANEL REPORT

(a) Community Services Scrutiny Panel Reports –

Review of Council Garages – It was agreed that the report be submitted to Cabinet.
Review of Council House Repairs – It was agreed that the report be submitted to Cabinet.

(b) Economic Scrutiny Panel Report –

Review of Incentives to Small Business – It was agreed that the report be submitted to Cabinet.

(c) Environment Scrutiny Panel Reports –

Review of Biodiversity – After some discussion members agreed that subject to the timescale of the review being altered to 6 months that the report be submitted to Cabinet.
Review of Unauthorised Parking on Council Land – It was agreed that the report be submitted to Cabinet.

422. SUGGESTED TOPICS FOR SCRUTINY

Two suggested topics had been received:

Note: 6.24 p.m. Councillor Simpson left the meeting

Members Online

Members discussed the Members Online initiative. The Chair pointed out that at the Scrutiny Committee meeting held on 18th April, 2006 the Chair had asked Members whether they would agree to pilot the Members online initiative. Subsequently, at the meeting held on 30th May, 2006 *“After some discussion, Members agreed with the proposed Members Online pilot scheme and that those Members who wished to ‘opt-in’ to the scheme could do so accordingly.”*

The Chair then asked Members of the Committee whether the Members Online initiative be accepted as a topic for scrutiny and placed on the list for allocation.

Members agreed 7 to 3 that the topic should be accepted.

Note 6.30 p.m. Councillor Cummings left the meeting

Swimming Pool

A suggestion had been made to scrutinise the Swimming Pool Development. Following an in-depth discussion the Chair suggested that: All Swimming Pool reports referred to in the response given at the Council meeting of 7th November, 2006, be subsequently forwarded to Scrutiny Committee for information.

423. ANY OTHER BUSINESS

Members had no further business to discuss.

Meeting terminated at 6.45 p.m.

Chairman

MINUTES OF PANELS

December, 2006

**424. MINUTES OF A MEETING OF THE APPEALS PANEL [GRIEVANCE]
HELD ON 1ST DECEMBER, 2006, at 2.00 p.m.**

Present: Councillor Shaw (in the Chair)
and Councillors Gibbon, Graham, Hepplewhite, Jackson, Lodge,
Marsden, Simpson, Stoddart and Walker.

(1) Apologies for Absence

Apologies for absence were received from Councillor Simmons.

(2) Minutes

The Minutes of the Meetings held on 26th May, 2006, were confirmed as a correct record and signed by the Chairman.

(3) In Private

Resolved: That pursuant to Section 100.A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting during consideration of the item listed in Column 1 below, being a report of the Officer mentioned in Column 2 below on the grounds that if members of the public were present during discussion of these items there would be disclosure to them of exempt information (as defined in Section 100.I) of the description indicated in Column 3 below.

Column 1

Column 2

Column 3

To consider an Appeal lodged by an employee of the Council	Head of Human Resources	Information relating to any individual (Para.1)
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Report of the Head of Human Resources

(4) Appeal – Post No. PS5

The Panel considered an appeal lodged by Post No. PS5 in relation to a management decision.

A copy of relevant correspondence had been circulated for consideration.

Resolved: That the Appeal be deferred for seven days to allow for the distributing of additional information.

The Meeting terminated at 4.00 p.m.

Chairman

**425. MINUTES OF A MEETING OF THE APPEALS PANEL [GRIEVANCE]
HELD ON 8th DECEMBER, 2006, at 2.00 p.m.**

Present: Councillor Shaw (in the Chair)
and Councillors Gibbon, Graham, Hepplewhite, Jackson, Lodge,
Marsden, Stoddart and Walker.

(1) Apologies for Absence

Apologies for absence were received from Councillor Simpson.

(2) In Private

Resolved: That pursuant to Section 100.A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting during consideration of the item listed in Column 1 below, being a report of the Officer mentioned in Column 2 below on the grounds that if members of the public were present during discussion of these items there would be disclosure to them of exempt information (as defined in Section 100.I) of the description indicated in Column 3 below.

Column 1

Column 2

Column 3

To consider an Appeal lodged by an employee of the Council	Head of Human Resources	Information relating to any individual (Para.1)
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Report of the Head of Human Resources

(3) Appeal – Post No. PS5

The Appeal had been heard by the Appeals Panel on Friday 1st December, 2006, when it was deferred to allow for the distributing of additional information.

The parties were given an opportunity to comment on the additional information which had been circulated prior to the meeting.

The Panel agreed that the post, in their view, should not be re-graded pending completion of the job evaluation exercise which was expected in April, 2007. There would be a further opportunity to submit a grievance if the appellant was dissatisfied with the outcome of the job evaluation exercise.

Resolved: That the grievance be not upheld.

The Meeting terminated at 2.50 p.m.

Chairman

**426. MINUTES OF A MEETING OF THE LICENSING PANEL
HELD ON 13th DECEMBER, 2006 AT 9.30 a.m.**

Present: Councillor Smith (in the Chair)
and Councillors Carr, Kellett, Kinghorn, Lightley, Lodge, Marsden, Turnbull, Walker,
Wolstenholme, Wynn and Young.

(1) Apologies for Absence

Apologies for absence had been received from Councillors Gibbon and Stoddart.

(2) Minutes

The Minutes of the Meeting held on 15th November, 2006, were confirmed as a correct record and signed by the Chairman.

(3) In Private

Resolved: That pursuant to Section 100.A(4) of the Local Government Act 1972 the public be excluded from the remainder of the Meeting during consideration of the item listed in Column 1 below, being a report of the Officer mentioned in Column 2 below on the grounds that if members of the public were present during discussion of this item there would be disclosure to them of exempt information (as defined in Section 100.1) of the description indicated in Column 3 below.

Column 1

Licence Holder Interview

Column 2

Director of Legal &
Administration Services

Column 3

Information relating to the
financial or business affairs of
any particular person (Para. 3)

Information in respect of
which a claim to legal
professional privilege could be
maintained in legal
proceedings (Para. 5)

Report of the Director of Legal and Administration Services

(4) Interview of Applicant

(a) Private Hire Driver Licence No. 101 – Mr. P.W. W

The Driver attended for interview.

Resolved: That the applicant received a final warning to his future conduct.

Note: The following items were considered In Public.

Note: Councillors Lodge and Kinghorn declared a personal interest in the undermentioned item and remained in the meeting during consideration thereof but did not take part in the discussion or decision thereof.

2.

Report of the Director of Legal and Administration Services

(3) APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE IN RESPECT OF A STRETCH LIMOUSINE

The Director of Legal and Administration Services submitted a comprehensive report concerning an application for the grant of a private hire vehicle licence in respect of a stretch limousine that required a decision on the grant or refusal of that licence.

A 'stretch limousine' vehicle was a vehicle, which had been physically altered from the base vehicle manufacturers original specification, which generally involved the extension of the vehicle by the insertion of an additional mid-section, resulting in additional seating and additional internal load space. Such vehicles tend to be imported from the United States and were not uncommon in the UK today.

Stretch Limousines presented a range of unique licensing considerations having regard to the fact that they were, (in the main), manufactured outside of the European Community and therefore were not subject to the standard UK/European vehicle approval regime, they were altered from the original manufactured specification by a third party conversion company, they tended to be left hand drive and they generally had a side facing seating configuration. Such vehicles would not normally comply with the '*vehicle specification requirements*' of the majority of Licensing Authorities, including that of Durham City.

In April of 2006 Cabinet considered a report to determine whether or not Durham City Council should licence stretch limousines as private hire vehicles and resolved that such vehicles should be licensed subject to a range of additional licensing criteria.

The applicant is one Alen CRAMPTON of 58 Front Street, Pity Me, Durham, DH1 5DW; Mr CRAMPTON had held private hire operator, driver and proprietors licences with this Authority, for over 10 years.

The private hire vehicle application was in respect of an imported saloon car of US origin; manufactured by the Chrysler Motor Corporation and subsequently adapted into a stretch limousine by Krystal Enterprises of California, USA. The year of manufacture/date of registration was declared as 9th December 2005. The vehicle was left hand drive and had the provision to carry 8 passengers; three on a rear forward facing bench seat and five on a side-facing bench seat.

The vehicle had undergone inspection by the Vehicle and Operator Services Agency, (VOSA) and had been issued with an SVA Certificate.

The applicant had confirmed that the vehicle could be presented to the Licensing Panel for inspection on the date of the meeting.

As outlined above Cabinet had resolved that where practicable and feasible the Council should seek to licence stretch limousines, subject to the vehicle complying with the Councils Standard Vehicle Specification and a range of additional limousine licensing relaxations and/or licensing criteria. This particular vehicle had been referred to the Licensing Panel for consideration, on the following grounds:

The additional limousine licensing criteria approved by cabinet required presentation of the following documentation:

1. An original Single Vehicle Approval, (SVA), Certificate in respect of the vehicle.
- or
2. A Qualified Vehicle Modifier, (QVM), Certificate in respect of the vehicle.

3.

The applicant couldnot produce an original SVA Certificate for the above vehicle, because the Driver and Vehicle Licensing Agency, (the DVLA), now retained the original SVA upon first registration of the vehicle. Enquiries with the DVLA by the Licensing Officer, had confirmed that the vehicle had undergone SVA certification and that the original document had been duly retained by that agency.

The applicant couldnot produce a QVM certificate for the above vehicle, as no such '*approved vehicle modification scheme*', existed between the base vehicle manufacturer and the vehicle modifier; in this case the Chrysler Motor Corporation and Krystal Enterprises.

Having regard to the fact that on occasion an original SVA Certificate and/or an original QVM/CMC Certificate may not be available for a given vehicle, the Panel was recommended to approve an amendment to the additional licensing criteria required for the licensing of stretch limousines, in the following terms:

The Licensing Officer must be satisfied that the vehicle had been issued with an SVA Certificate by the Vehicle and Operator Services Agency, (VOSA).

The Licensing Officer must be satisfied that the vehicle had been issued with a Qualified Vehicle Modifier, (QVM), certificate or a Cadillac Master Coachbuilder, (CMC), certificate.

If a QVM or CMC certificate cannot be produced, (for the reasons outlined above or for any other reasonable cause), then the onus shall be upon the applicant to satisfy the Licensing Officer that the vehicle had been modified to a minimum of QVM or CMC standards.

The panel was requested to consider the application to Licence the above limousine as a private hire vehicle and to select one of the following options

To approve the grant of a Private Hire Vehicle Licence, subject to the Licensing Officer being satisfied that the vehicle complies with the Council's Standards Private Hire Vehicle Specifications and the additional stretch limousine criteria, as amended by the recommendation at section 5 of this report.

To refuse the grant of a Private Hire Vehicle Licence on the grounds that an original SVA certificate and/or a QVM or CMC certificate could not be produced for the vehicle, or on whatever other grounds the Panel may consider appropriate. In that event it should be noted that the applicant would have a right of appeal to the Magistrates Court, against such refusal.

Resolved: (i) That the applicant be granted a Private Hire Vehicle Licence for the Limousine.

(ii) That the Panel recommend to Cabinet through the relevant Portfolio Holder that the policy be amended.

The Meeting terminated at 10.07 a.m.

Chairman