

MINUTES

for the Month of

March, 2005

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Thursday, 3rd March, 2005 at 10.00 a.m.

Present: Professor Chapman (in the Chair)
and Councillors Gibbon, Moderate, Simpson and Turnbull (City Council Members)
Councillors C.W. Beswick and A.M. Williams (Parish Council Members) and Mr. B.R.J. Ingleby (Independent Member).

Also Present: Councillor Smith.

540. COMPLAINT TO THE STANDARDS BOARD FOR ENGLAND – REF: SBE9141.04

Councillor Kellett had complained to the Standards Board for England, alleging that Councillor Mrs Smith, the Chairman of the City Council's licensing panel, had asked questions at licensing committee meeting on the 13th October 2004 which were racist and unprofessional and further alleging that her conduct was disrespectful to the applicant.

The complaint was referred by the Standards Board to the City Council for a local investigation. The investigation was carried out by Mr David Taylor of Crutes solicitors, who is the Monitoring Officer for Easington District Council. He found that Councillor Mrs Smith reasonably believed it was necessary to put the questions to the applicant in order to determine the licensing application and that as the questions were justified in the context of the meeting, they did not constitute discrimination or lack of respect in breach of the Code of Conduct.

The investigating officer's findings were considered by the Standards Committee who in accordance with the Local Authorities (Code of Conduct)(Local Determination)(Amendment) Regulations 2004 resolved to accept the investigating officer's finding that there had been no failure to comply with the City Council's Code of Conduct.

The Standards Committee considered whether it wished to make recommendations to the City Council on matters arising from the report and resolved to make the under mentioned recommendations:-

(i) That the City Council's Licensing Manager, in consultation with the Chairman and Vice Chairman of the licensing panel should review the forms of application for hackney carriage and private hire drivers licenses, in the light of the City Council's Equal Opportunities Policy to see whether any appropriate amendments should be made to those forms.

(ii) That the City Council addresses the issue of acoustics in licensing panel meetings.

The meeting terminated at 11.20 a.m.

Chairman

City of Durham

At a Meeting of the **SCRUTINY COMMITTEE** held in the Town Hall, Durham, on Monday, 7th March, 2005 at 5.30 p.m.

Present: Councillor Lightley (in the Chair)
and Councillors Crathorne, Cummings, Dickie, Freeman, Howarth, Pape, Simmons, Simpson, Walton and Wolstenholme.

Also Present: Councillors: Bell, Cowper, Kellett, Marsden, Moderate, Norman, Stoddart, Taylor, Turnbull and Young

541. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor: Robinson

542. MINUTES

The Minutes of the Meeting held on 15th February, 2005, were confirmed as a correct record and signed by the Chairman.

543. CABINET DECISIONS –21st February, 2005

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

544. FORWARD PLAN

The Committee considered the Forward Plan, which was effective from 1st March, 2005 and had no comments to make.

545. DECISIONS TAKEN BY PORTFOLIO MEMBERS SINCE THE LAST MEETING

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

The schedule was noted and there were no items on which the Committee wished to comment.

546. REPORT OF ENVIRONMENTAL SERVICES SCRUTINY PANEL

The Environmental Services Scrutiny Panel were requested to scrutinise the procedures involved in the making of a Road Closure Order. A copy of the report on the scrutiny had been circulated together with the policy on road closures and the application form.

Councillor Crathorne expressed concerns regarding the expense of using a traffic management programme. Councillor Wolstenholme informed members that the panel had looked at this but the requirement was unavoidable.

Recommended: That the report be referred to Cabinet.

547. TOPICS FOR SCRUTINY

The following topics were identified as being suitable for scrutiny;

The Letting of Council Garages --	To be allocated
Parking/Encroachment on Council Land --	To be allocated.
Flourishing Communities Fund – terms of reference	To be allocated

Councillor Howarth suggested that there should be a rolling programme for scrutiny topics and the topics should be allocated as an appropriate panel became available.

548. UPDATE ON WORKING GROUPS

(i) Unparished Areas

The chairman explained that preliminary consultation with residents through the area forums was continuing and that the Working group should be in a position to report its recommendations shortly.

(ii) Future Scrutiny Arrangements

The report of the working group had been forwarded to IDEA for consideration. Feedback was not expected until after Annual Council in May. It was agreed therefore that appointment of members to scrutiny panels, including election of Chairs and Vice Chairs, would follow normal procedures in May, 2005. However it was recognised that the outcome of discussions with IDEA might involve a change to the current scrutiny structure and appointments might therefore need to be revisited within a two year period normally associated with such arrangements.

The Meeting terminated at 5.45 p.m.

Chairman

SCRUTINY COMMITTEE
7th MARCH 2005

DECISIONS TAKEN BY PORTFOLIO MEMBERS

Portfolio Member	Nature of Decision	Date
Councillor Southwell	To approve the granting of a Wayleave Agreement for supplies to premises at High Street South Langley Moor. The granting of the Agreement would not be detrimental to future use of the site and can in any event be terminated by the Council by way of the giving of 12months notice to the Company	2.2.05
Councillor Reynolds	Application to purchase land adjacent to 25 Broome Road Carrville. An amended application has been received from Mr McIntosh enquiring if the Council would consider selling to him approx 30 sq metres of land adjacent to this property. The applicant intends to build a porch as originally stated but also to construct a footpath into the rear garden. Recommended that subject to contract and under the mentioned conditions an area of 30 sq metres e offered to the applicant on terms agreed by the Council Valuer.	4.2.05
Councillor Southwell	Application received in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from his home (ref 241). The applicant has requested £1200 as he was displaced from a two bedroom house. Recommended that the payment be made.	3.11.04
Councillor Southwell	Application has been made in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from her home (ref252). The applicant has requested the fixed payment of £1200 as she was displaced from a two bedroom house. Recommended that the payment be made	21.11.04
Councillor Southwell	Application has been made in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from his home (ref259). The applicant has requested the fixed payment of £1200 as he was displaced from a two bedroom house. Recommended that the payment be made	1.2.05
Councillor Southwell and Councillor Woods	Application received in respect of Home Loss Payment as a result of the Council compulsorily displacing the applicant from his home (Ref 259). The amount due is in the sum of £3400 and the applicant currently has outstanding arrears of £137.45. Recommended to deduct the amount from the sum due.	7.2.05

Portfolio Member	Nature of Decision	Date
Councillor Reynolds	To consider terms as provisionally agreed by the City Council's Valuer for the disposal of three sites at Witton Gilbert to Three Rivers Housing Association Limited for housing development. Recommended to approve the terms as originally agreed and reported by the City Council's Valuer at the price of £155,000, the purchaser to bear the Council's legal costs and Surveyor's fees	8.2.05
Councillor Reynolds	Attendance at conference/seminar of the Sustainable Energy for a Sustainable Constituency organised by Energy Saving Trust on Thursday 24 Feb 2005 at Ramside Hall Hotel Durham. Attendee Councillor G Holland	14.2.05
Councillors Woods and Southwell	Application received in respect of Home Loss payment as a result of the Council compulsorily displacing the applicant from his home (Ref: 264). The amount due is in the sum of £3400. the applicant has outstanding arrears of £806.95 and it is recommended that this amount be deducted from the final payment.	10.2.05
Councillor Reynolds	Conference/seminar organised by IPPR North on the issue of international poverty on Monday 21 st February 2005 at St James' Park Newcastle by Councillor Wynn. Approved	10.2.05
Councillor Reynolds	Application to purchase land adjacent to 81 Forster Avenue Sherburn Village received from Mrs Suggett of 81 Forster Avenue for approx 100 square metres or thereabouts of land for use to build a garage and vehicular hard standing. Recommended that subject to contract and the conditions reported that a reduced area of 68 square metres or thereabouts of council land be offered.	18.2.05
Councillor Southwell and Woods	Application for payment of Home Loss payment as a result of the Council compulsorily displacing the applicant from her home (Ref 262). The amount due is in the sum of £3400 with outstanding rent arrears of £472.92. Recommended that the arrears be deducted prior to payment	19.2.05
Councillor Southwell	Application has been made in respect of a Disturbance payment as a result of the Council compulsorily displacing the applicant from her home (Ref 262). The applicant has asked for the fixed payment of £1200 as she was displaced from a two bedroom house. Recommended that a payment of £1200 be made to the applicant.	19.2.05

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 9th March, 2005, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Bell, Carr, Crathorne, Hawgood, Howarth, Jackson, Kinghorn, Lodge, Pitts, Rochford, Shaw, Simmons, Walker, Wolstenholme, Wynn and Young.

Also Present: Councillors Dickie, Kellett, Marsden and Turnbull.

549. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Griffin, Holland, Stoddart, Syer and Taylor.

550. MINUTES

The Minutes of the Meeting held on 16th February, 2005, were confirmed as a correct record and signed by the Chairman.

Report of Head of Planning Services.

Note: Councillor Bell declared a personal interest in the undermentioned item in relation to item (c), Application Nos. 05/00078/CM, 05/00079/CM and 04/01384/FPA and remained in the Meeting during consideration thereof.

551. 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 3R Property Development Limited – Former Elliots of Durham Site, Ainsley Street, Durham, DH1 3BJ.
 - (ii) Appeal by E. D. F. Energy – Site on land at Southern Law Farm, Trimdon Grange, County Durham.
 - (iii) Appeal by Mr. T. Dolan – Land east of Lane House Farm, Pit House Lane, Houghton-le-Spring, Tyne & Wear.
- (b) Notice of the Outcome of Planning/Enforcement Appeals which had Been lodged with the City Council:
 - (i) Appeal by Mr. B.J. Evans & Mrs. C.A. Farnsworth – Barn 2, Benthouse Farm, Bent House, Lane, Durham.
 - (ii) Appeal by Mr. J.W. Gatenby – Site at Appletree House, West Farm, South Side, Shadforth.
 - (iii) Appeal by Mr. M.J. Boyd – Site at 10 Front Street, Framwellgate Moor, Durham, DH1 5EJ.
- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications

Resolved: That the reports be noted.

552. RECOMMENDATIONS ON OTHER APPLICATIONS

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

Note: Councillor Kellett declared a personal interest in Application 04/00836/OUT and remained in the Meeting during consideration thereof.

(a) **04/00836/OUT** **Land at Ramside Hall Hotel and Land south east of
Ramside Estates Limited** **Pittington Lane, Durham**

Outline application for erection of bedroom extension, ballroom redevelopment, provision of leisure/health spa, car park extension and golf course extension incorporating bridges over or underpass to Pittington Lane

Resolved: That the application be **APPROVED** subject to the following conditions:-

- (1) TL2 - Time Limit (Outline Approval)
- (2) DT2 - Outline Permission (Specific Details Reserved – design & external appearance, landscaping)
- (3) DT10 - Hardstanding/Surface Materials
- (4) LA1 - Landscaping Scheme (Outline Permission)
- (5) DT23 - Drainage Scheme
- (6) Development shall not commence on the site until details of a detailed phasing plan for the whole development has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved phasing plan.
- (7) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved by the Local Planning Authority. Roof water shall not pass through the interceptor.
- (8) No work shall commence on site until a flood risk assessment has been provided, and its results and conclusions agreed by the Local Planning Authority.
- (9) The height of the buildings hereby approved shall be no higher than the highest existing buildings on the site.

- (10) Development shall not commence on any phase of the development until a full survey has been carried out to examine the presence of any protected species and their habitat, and measures identified to protect the species during and after the development has taken place. The required survey shall be submitted and approved by the Local Planning Authority and the development carried out in accordance with the approved scheme.

Note: Councillors Dickie, Hawgood and Howarth declared a personal interest in Application 05/00043/FPA and remained in the Meeting during consideration thereof.

(b) **05/00043/FPA**
St. Cuthbert's Hospice

St. Cuthbert's Hospice, Park House Road, Durham, DH1 3QF
Erection of two and single storey pitched roof extension to existing Hospice, detached garage and car park

Resolved: That the application be **APPROVED** subject to the following conditions:-

- (1) TL1 - Time Limit (Full Approval)
- (2) DT4 - External Materials
- (3) DT8 - Enclosure (Details to be Agreed)
- (4) DT10 - Hardstanding/Surface Materials
- (5) DT11 - Fenestration Details
- (6) LA5 - Protection of Trees/Hedges during Construction
- (7) LA2 - Landscaping Scheme (Full/Reserved Matter)

The Meeting terminated at 6.25 p.m.

Chairman

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Tuesday, 15th March, 2005, at 5.30 p.m.

Present: Professor Chapman (in the Chair)
and Councillors Gibbon, Moderate, Simpson and Turnbull (City Council Members)
and Councillors C.W. Beswick and A.M. Williams (Parish Council Members) and Mr. B.R.J. Ingleby (Independent Member).

553. APOLOGIES FOR ABSENCE

There were no apologies for absence

554. MINUTES

The Minutes of the Meetings held on 18th January, 2005, and 3rd March, 2005, were confirmed as a correct record and signed by the Chairman.

555. HONOURARY ALDERMAN BESWICK

The Chairman congratulated Honourary Alderman Beswick on his being awarded an M.B.E.

Report of Monitoring Officer.

556. CONSULTATION ON A REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

The Standards Board for England had been asked by the Minister of State for Local and Regional Government to conduct a review of the content of the Code of Conduct for Members.

The Board would be consulting with a wide range of individuals and organisations over the next few months and had produced a leaflet, which they were requesting Monitoring Officers and Standards Committee Members to complete and return to them. A copy of the leaflet was circulated.

Members were urged to send an individual response of the consultation. In addition the Chairman had prepared a draft document and this was circulated for Members consideration.

Resolved: That a composite response be made to the Standards Board for England on the lines of the document drawn up by the Chairman.

557. GIFTS AND HOSPITALITY – A CODE OF CONDUCT FOR COUNCILLORS

In November 2000 the City Council adopted a Code of Practice on the subject of civic hospitality. The Code of Practice had been prepared following a referral to the Scrutiny Committee to examine the matter of entertainment at public cost.

A copy of the Code of Practice was circulated. Paragraph 6 dealt with gifts and hospitality offered to Members and Officers.

Those Members of the Standards Committee who were able to attend the training session facilitated by Mr Peter Keith Lucas of Bevan Brittan, recently, were aware that he indicated at the seminar that he had drafted some protocols and guidance for local authorities and he would be happy to make these available to the City Council for them to use as they saw fit.

The Monitoring Officer subsequently, received from Bevan Brittan a copy of Mr Keith Lucas' protocol on gifts and hospitality for Councillors. Because the City Council's Code of Conduct goes somewhat further than the model form on conduct and requires disclosure of offers of gifts and hospitality over a maximum sum whether or not these were accepted, the Monitoring Officer had made some slight amendments to the code to reflect this and the amended version was circulated.

Resolved: That Cabinet be recommended to adopt the Code of Conduct on Gifts and Hospitality as supplementary advice of the existing Code of Practice and that Council be requested to make appropriate amendments to the Constitution to reflect this.

558. PROCEDURE FOR LOCAL STANDARDS HEARINGS

One of the documents prepared by Mr Keith Lucas and which he had kindly forwarded to the Monitoring Officer, was a procedure for Local Standards Hearings. This procedure was circulated.

The City Council already had a hearing procedure for the Standards Committee which was adopted some years ago but in the light of the introduction of new regulations, it was felt that the much more comprehensive document produced by Mr Peter Keith Lucas was more appropriate for use when local hearings in to Code of Conduct complaints were heard.

Resolved: That the existing hearing procedure for the Standards Committee is replaced and that the procedure for Local Standards Hearing circulated at Appendix D to the report is adopted in its place.

559. PROTOCOL ON THE USE OF I.T. BY MEMBERS

A third document produced by Mr Peter Keith Lucas was a Protocol on the use of I.T. by Members. A copy of the document was circulated.

The City Council eventually expect to have Members online and when computer equipment was provided it would be of assistance if there was a protocol in place to cover the use of that equipment.

Members were asked for their views on the protocol produced by Mr Keith Lucas. A copy had been provided to the I.T. Manager and at the time of preparation of the Agenda, his comments were awaited.

Resolved: That subject to any comments of the I.T. Manager the Cabinet be recommended to adopt the protocol on the use of I.T. by members.

560. TRAINING SESSION FOR STANDARDS COMMITTEES – 20TH JANUARY 2005

The training session facilitated by Mr Keith Lucas on 20th January 2005 was well attended both by Members of the City Council's Standards Committee and by representatives from neighbouring Authorities. The feedback from those in attendance had been very encouraging and was without exception, positive.

It may be appropriate to run a similar session later in the year, particularly if the membership of the Standards Committee changed following Annual Council.

Resolved: That the report be noted.

561. REGISTER OF MEMBERS FINANCIAL AND OTHER INTERESTS

A copy of the Form of Declaration of Interest for the Register of Members Interests, which was kept for public inspection in the Office of the Monitoring Officer, was circulated.

Members were reminded that they should ensure their disclosure was up to date and notify the Monitoring Officer of any changes.

Resolved: That the report be noted.

562. COMPLAINTS TO THE STANDARDS BOARD

Reference SPE 6855.04

Circulated was a summary of the above case.

The complaint alleged that a Member of the City Council spoke in favour of a planning application involving his friend on the 31st March 2004.

The decision of the Ethical Standards Officer who investigated the complaint was that the Member concerned did not act improperly; did not bring his Office or Authority into disrepute and did not breach the Code of Conduct.

The Ethical Standards Officer's conclusions in this case were notified to the Monitoring Officer in October last year. The letter of notification indicated that the report was confidential and information contained therein could not be disclosed. The Monitoring Officer was asked to wait until the Standards Board had published its case summary on its website before disclosure of the outcome of the complaint.

There had been a lengthy delay between conclusion of the investigation in October last year and publication of the case summary in February 2005. The Chairman had expressed his dissatisfaction at this state of affairs and had proposed to send a letter to the Standards Board asking for an explanation. A copy of his draft letter was circulated and Members were asked for their comments on the course of action proposed.

Reference SPE 9825.05

A Member of the City Council complained to the Standards Board that a fellow Councillor had been abusive to a member of staff, in breach of the Code of Conduct.

The allegation was subjected to an assessment by the Standards Board with the aim of deciding whether the case should be referred for investigation. The decision of the Standards Board was that there was insufficient information provided with the complaint to enable Officers to assess whether the matter was sufficiently serious to merit investigation. In the circumstances they decided that no further action should be taken on the allegation unless or until further information was provided to them.

Resolved: (i) That the report be noted.

(ii) That the Chairman write to the Standards Board expressing dissatisfaction at the delay in publishing the case summary.

Note: *Mr. Beswick left the Meeting at 6.50 p.m.*

563. BULLETIN 22 AND STANDARDS COMMITTEE NEWS 03

Copies of the most recent bulletin and newsletter of the Standards Board for England were circulated for Members' information.

Resolved: That the report be noted.

The Meeting terminated at 6.55 p.m.

Chairman