

# **MINUTES**

for the Month of

**October, 2005**

## City of Durham

At a Meeting of **SCRUTINY COMMITTEE** held in the Town Hall, Durham on Tuesday, 4<sup>th</sup> October, 2005 at 5.30 p.m.

**Present:** Councillors: Pape (in the Chair), Dickie, Freeman, Hopgood, Howarth, Robinson, Simmons, Simpson and Wolstenholme

**Also Present:** Councillors Cowper, Gibbon, Gill, Kellett, Lightley, Lodge, Marsden, Moderate, Norman, Thomson, Turnbull and Young.

### **266. APOLOGIES**

Apologies for Absence were received from Councillors Cummings and Walton.

### **267. MINUTES**

The Minutes of the meeting held on 5<sup>th</sup> September, 2005 were confirmed as a correct record and signed by the Chairman.

### **268. CHAIRMAN'S REMARKS**

The Chair thanked Members who turned up to the IDEA Scrutiny Training sessions held during September.

The Chair asked Members for their opinions regarding whether Any Other Business should remain an agenda item. Members of the Committee agreed that Any Other Business should remain an agenda item.

### **269. FORWARD PLAN**

The Committee considered the Forward Plan, which was effective from Monday, 3<sup>rd</sup> October, 2005 and had no comments to make.

Members expressed concern to changes to meeting and target dates as they were having difficulty fitting the changes into their diaries to coincide with their other meetings.

### **270. DECISIONS TAKEN BY PORTFOLIO HOLDERS**

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

The Portfolio Holder Decisions were noted and there were no items on which the Committee wished to comment.

### **271. CABINET DECISIONS 12<sup>TH</sup> SEPTEMBER, 2005**

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

**272. REPORT OF POLICY SCRUTINY PANEL  
SICKNESS ABSENCE REPORT**

The Policy Scrutiny Panel had been requested to scrutinise the incidence, level and areas of Sickness Absence through out the Authority.

It was agreed that subject to the addition of the recommendation suggested by Members the report be submitted to Cabinet.

**273. REPORT OF POLICY SCRUTINY PANEL  
FLOURISHING COMMUNITIES FUND - EVALUATION CRITERIA**

In accordance with the wishes of Policy Scrutiny Members, Cabinet at the Meeting on 1<sup>st</sup> August, 2005 had referred the Evaluation Criteria back to Policy Panel for their consideration, before formal adoption by the Council. Policy Panel had given detailed consideration to the evaluation criteria.

It was agreed that amendments to the criteria suggested by the Policy Scrutiny Panel be submitted to Cabinet for their consideration.

**274. REPORT OF COMMUNITY SERVICES SCRUTINY PANEL  
SCRUTINY OF COUNCIL GARAGES**

The Community Services Scrutiny Panel were requested to scrutinise the letting of Council Garages due to concerns raised by Members that some garages were being used inappropriately.

That subject to an amendment that the policy include measures to help prevent street parking the report be submitted to Cabinet.

**275. SCRUTINY PANELS – VERBAL PROGRESS REPORT**

The Chairmen of the various Scrutiny Panels gave a verbal update on the progress of their respective Scrutiny Panel Members' information.

**276. ANY OTHER BUSINESS**

The Chair asked if Members were willing to accept the following topics for Scrutiny to be added to the list for allocation at a later date:-

- The Requirement for Additional Gypsy and Traveller Sites.
- Telecommunications
- Fly Tipping
- Parish Councils -- It was agreed that Councillor Leake who suggested the topic be invited to the next meeting of the Committee to discuss further.

The Meeting terminated at 6.18 p.m.

Chairman

**SCRUTINY COMMITTEE**  
**4<sup>th</sup> October 2005**  
**DECISIONS TAKEN BY PORTFOLIO MEMBERS**

<b>Portfolio Member</b>	<b>Nature of Decision</b>	<b>Date</b>
Councillor Jackson	Permission to enter into a contract to purchase Christmas lights to decorate the City Centre to a value of £45,475. Recommended to waive contract procedure rules to enable the contract to be entered into with Centre design whose quote was substantially below prices of others. The contract be solely entered into for the tree Manzanita and Millburngate Bridge for 2005-2007.	19.8.05
Councillor Woods	Application for financial assistance from the Prostrate Cancer Support Group from Mr S Scholes, Secretary based on the University Hospital of North Durham, Chester le Street and Shotley Bridge Community Hospitals. Recommended that a small donation of £50 be offered and to forward his request of giving a talk to all staff within the Authority.	23.8.05
Councillor Reynolds	Application to lease land and right of vehicular access over land adjacent to 8 Arbourcourt Avenue Esh Winning. Mrs Craig has two disabled children who find it difficult to walk. She intends to use the land for vehicular hard standing and access. Recommended that subject to contract and the conditions that an area of 30 sq metres be leased to the applicant on terms to be agreed by the Council's Valuer and an area of 11 sq metres or thereabouts be offered to the applicant by way of vehicular access licence over council land.	30.8.05
Councillor Southwell	Application received in respect of Home Loss payment as a result of the council compulsorily displacing the applicant from his home (Ref 271) The amount due is in the sum of £3400 which is set by the Government as a compensation payment for personal upset caused by compulsorily displacement from his home. Recommended that the payment of £3400 be made.	26.8.05
Councillor Southwell	Application received in respect of Disturbance allowance as a result of the council compulsorily displacing the applicant from his home (Ref 271). The applicant asked for the fixed payment of £1000 as he was displaced from a one bedroom bungalow. Recommended that the payment be made	26.8.05
Councillor Southwell	Application received in respect of Home Loss payment as a result of the council compulsorily displacing the applicant from his home (Ref 272) The amount due is in the sum of £3400 which is set by the Government as a compensation payment for personal upset caused by compulsorily displacement from his home. Recommended that the payment of £3400 be made.	26.8.05

<b>Portfolio Member</b>	<b>Nature of Decision</b>	<b>Date</b>
Councillor Southwell	Application received in respect of Disturbance allowance as a result of the council compulsorily displacing the applicant from his home (Ref 272). The applicant asked for the fixed payment of £1000 as he was displaced from a one bedroom bungalow. Recommended that the payment be made	26.8.05
Councillor Southwell	Approval for adaptation for a disabled person for a curved stairlift. Cost of £4745 at 85 Oakridge Road Ushaw Moor	31.8.05
Councillor Southwell	Approval for adaptation to the home of a disabled person for a curved stairlift to the cost of £4037 at 145 Fairview West Rainton	31.8.05
Councillor Reynolds	Application for vehicular access to front of 3 Grove Road Brandon from Mrs Simpson of 3 Grove Road for use for access to allow off street parking within her residential cartilage. Recommended that subject to contract and the conditions an area of 34 sq metres or thereabouts be offered to the applicant by way of a vehicular access Licence over council land.	5.9.05
Councillor Southwell	Application received in respect of Home Loss payment as a result of the council compulsorily displacing the applicant from his home (Ref 273) The amount due is in the sum of £3400 which is set by the Government as a compensation payment for personal upset caused by compulsorily displacement from his home. Recommended that the payment of £3400 be made.	7.9.05
Councillor Rae	Approval of a Durham City Enterprise Grant of £1000.00 divided as Ray Hughes T/A Ray Hughes Plumbing & Heating - £500 Gillian Quigley T/A Pets 4U - £500	12.9.05
Councillor Wynn	Approval of Durham City Enterprise Grant of £1,000 divided as: Andrew Westerman T/A Kairos UK Ltd - £500 Aiden Sanderson T/A AB Decorators - £500	15.9.05
Councillor 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 270) There is currently £1098.30 of rent arrears outstanding. The amount due is in the sum of £3400 which is set by the Government as a compensation payment for personal upset caused by compulsorily displacement from his home. Recommended that the arrears of £1098.30 be deducted from the payment of £3400 prior to payment	9.9.05
Councillor Southwell	Application received in respect of Disturbance allowance as a result of the council compulsorily displacing the applicant from his home (Ref 270). The applicant asked for the fixed payment of £1000 as he was displaced from a one bedroom bungalow. Recommended that the payment be made	24.8.05

## City of Durham

At a Meeting of the **AUDIT OVERVIEW COMMITTEE** held in the Town Hall, Durham, on Thursday 6<sup>th</sup> October, 2005, at 5.30 p.m.

**Present:** Councillors Dickie, Jackson, Kellett, Shaw and Walker.

### **277. APPOINTMENT OF CHAIRMAN**

Councillor Shaw was duly appointed as Chairman for the meeting.

### **278. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **279. MINUTES**

The Minutes of the Meeting held on 7<sup>th</sup> July, 2005, were confirmed as a correct record and signed by the Chairman subject to the inclusion of Statement of Internal Control to Minute 126 as shown in italics on the revised minutes which had been circulated.

### **Report of Director of Strategic Resources.**

### **280. PROGRESS REPORT FOR THE PERIOD 1<sup>st</sup> APRIL, 2005 TO 31<sup>st</sup> AUGUST, 2005**

The Director of Strategic Resources submitted a comprehensive report that compared the actual work undertaken by Internal Audit with that planned for the period 1<sup>st</sup> April, 2005, to 31<sup>st</sup> August, 2005.

**Resolved:** That the report be noted.

### **281. 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.I) of the description indicated in Column 3 below.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Special Investigations	Director of Strategic Resources	Information relating to particular employees of the Authority (Para.1).  Personal details about present, past or prospective service recipients (Para.4).  Personal details about present, past or prospective recipients of financial assistance (Para.5).  Information re financial or business affairs of a person (Para.7).

Instructions to and opinions of counsel, advice, information or action re present or contemplated legal proceedings or the determination of any matter affecting the Authority (Para.12).

**Report of Director of Strategic Resources.**

**282. SPECIAL INVESTIGATIONS**

The Director of Strategic Resources and Head of Internal Audit reported that there had been no special assignments.

**Resolved:** That the report be noted.

The Meeting terminated at 6.05 p.m.

Chairman

## City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 19<sup>th</sup> October 2005, at 5.30 p.m.

**Present:** Councillor Norman (in the Chair)  
and Councillors Bell, Crathorne, Dickie, Griffin, Hawgood, Hopgood, Howarth, Jackson, Kinghorn, Shaw, Southwell, Stoddart, Syer, Taylor, Walker, Wolstenholme and Young.

**Also Present:** Councillors Hepplewhite, Kellett, Lightley, Marsden, Pitts, Simmons and Thomson

### 283. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Carr, Gibbon, Rochford, Simpson and Wynn

### 284. MINUTES

The Minutes of the Meeting held on 21<sup>ST</sup> September 2005, were confirmed as a correct record and signed by the Chairman.

#### Report of the Head of Planning Services

### 285. REPORTS FOR INFORMATION

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

- (a) Notice of the Outcome of Planning/Enforcement Appeals which had been lodged with the City Council:
  - (i) Appeal by C Todd and E Miller – Site at 25 Walton Terrace, New Brancepeth, Durham
  - (ii) Appeal by Mr S Taylor – Site at former Labour House, rear of Hill View, Esh Winning
- (b) Applications – Determined under Plenary Powers
- (c) Building Control Applications

**Resolved:** That the reports be noted.

### 286. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM4/05/745** **Durham Sixth Form Centre, The Sands, Durham, DH1 1SG**  
**Durham County Council** **Extension of time period for consent of 2 no. demountable classrooms**

The above application was considered by the Council on 22<sup>nd</sup> August 2005 when it was resolved to offer no objection subject to consent being granted for no more than 12 months.

Durham County Planning Committee had now

considered the proposal and resolved to approve the application subject to conditions.

**Resolved:** That the report be noted.

(b) **CM4/05/808**  
**Durham County Council**

**Framwellgate School, Finchale Road, Framwellgate Moor, Durham**  
**Retrospective application for erection of boundary fencing**

The above application was considered by the Council on 1<sup>st</sup> September 2005 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.

(c) **CM4/05/811**  
**Durham County Council**

**Framwellgate School, Finchale Road, Framwellgate Moor, Durham**  
**Erection of wind turbine with self supporting tower**

The above application was considered by the Council on 1<sup>st</sup> September 2005 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.

## 287. RECOMMENDATIONS ON OTHER APPLICATIONS

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

(a) **05/00629/FPA**  
**Mr & Mrs Bonnington**

**30 Field House Lane, Durham City, DH1 4LT**  
**Erection of detached home office building within rear garden**

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

- (1) T1 - Time Limit [Full Approval] 2004
- (2) LA5 - Protection of Trees/Hedges during construction
- (3) DT23 - Drainage Scheme
- (4) - That the development hereby permitted at the site known as 30 Field House Lane, shall only be used exclusively for the benefit of members of the family occupying the existing dwelling house and for purposes incidental to the enjoyment of the existing dwelling house and shall

not at any time be occupied as a separate residential or business unit from the existing dwelling.

(ii) That the Head of Planning Services investigates the potential for the services of a Tree Preservation Order on trees within the garden of the property.

(b) 05/00677/FPA  
D & M Turnbull

**The Gardens, Sunderland Bridge, Durham, DH6 5HD  
Erection of 2 no. dwellings at front of site**

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

- (1) T1 - Time Limit [Full Approval] 2004
- (2) DT4 - External Materials
- (3) DT5 - Materials Sample
- (4) DT29 - Fenestration Joinery Details
- (5) DT12 - Windows in Reveal
- (6) DT15 - Roof Details
- (7) - Notwithstanding the information shown on the submitted plan full detail of the arrangements for vehicular access to the development and provision for car parking shall be submitted to and agreed in writing by the Local Planning Authority before the development commences and implemented in full accordance with the agreed details
- (8) - Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) order 1995 or any order revoking or re-enacting that order there shall be no additional window or door openings provided in any elevation of the dwellings hereby approved, other than those expressly approved by this permission, without the grant of further specific planning permission from the Local Planning Authority
- (9) - Vehicular access to the site by construction vehicles during the construction of the development shall be taken only from the access via West Farm, and there shall be no access to or from the site via the eastern access point by such vehicles

(c) 05/00765/RM  
Shepherd Homes

**Former site of The Cock O' The North, South Road, Durham  
Approval of reserved matters for siting, design and external appearance, means of access and landscaping for the erection of 25 apartments, 15 detached and 2 semi detached dwellings pursuant outline consent 4/04/696**

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

- (1) DT4 - External Materials
- (2) DT23 - Drainage Scheme
- (3) LA2 - Landscaping Scheme (Full/Reserved Matter)
- (4) LA4 - Retention of Existing Trees and Hedges
- (5) LA5 - Protection of Trees/Hedges during construction.
- (6) - The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(a)-(d) of the Town & Country Planning Act 1990 in relation to the development, until a planning obligation pursuant to section 106 of the said act relating to the land has been made and lodged with the Local Planning Authority and is to that Authority's approval. The said obligation will provide a financial sum, calculated in accordance with the requirements of Appendix 3 of the City of Durham Local Plan, towards local facilities in lieu of the provision of open and play space within the application site, either to the council or an agreed third party.
- (7) - Should contamination be found on the site over and above that identified on the submitted contamination report, the developer must agree and implement appropriate remediation measures to mitigate its presence.
- (8) - The tree and hedge planting along the South Road frontage of the site and indicated on drawing No. 347/03 prepared by Southern Green Landscape Architects, shall be retained at all times. None of these trees or hedging shall be felled, lopped or topped without the prior written consent of the Local Planning Authority and any trees or hedging that dies or becomes seriously diseased shall be replaced in the same position with trees or hedging of the same material and maturity

**Note:** Councillors Kinghorn, Marsden and Simmons left the Meeting at 6.40p.m. during consideration of this item

**Note:** Councillor Lightley left the Meeting at 6.55p.m.

**Note:** Councillors Hawgood, Hepplewhite and Pitts left the Meeting at 7.00p.m.

- (d) **05/00768/FPA**  
**Sirius Geotechnical & Environmental Ltd.**      **Land at St Johns Road, Meadowfield Industrial Estate, Durham**  
**Erection of 4 no. B1 Business Units with associated access & parking**

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

- (1) T1 - Time Limit
- (2) DT4 - External Materials
- (3) DT8 - Enclosure (Details to be Agreed)
- (4) DT10 - Hardstanding/Surface Materials
- (5) DT23 - Drainage Scheme
- (6) LA2 - Landscaping Scheme (Full/Reserved Matter)
- (7) - Before the occupation of any building on the development site, a Green Transport Plan shall be submitted to the Local Planning Authority and approved in writing. The approved Green Travel Plan shall then be implemented when each respective building is occupied and retained as such thereafter.

(e) **05/00780/FPA**  
**Castle Estates**  
**(Brancepeth Ltd)**

**Land at Wolsingham Road, Brancepeth, Durham**  
**Formation of new vehicular access onto**  
**Wolsingham Road**

ITEM WITHDRAWN

**Note:** Councillor Syer declared a prejudicial interest in the undermentioned item and withdrew from the Meeting during consideration thereof

(f) **05/00816/FPA**  
**M A & J Syer**

**8 Clarence Street, Bowburn, Durham, DH6 5BB**  
**Erection of timber trellis above existing rear**  
**boundary wall**

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

- (1) T1 - Time Limit [Full Approval] 2004
- (2) - The trellis screen shall be a maximum height of 40 centimetres above the height of the boundary wall

(g) **05/00828/FPA**  
**Whitfield Building**  
**Services**

**Land at St Johns Road, Meadowfield Industrial**  
**Estate, Meadowfield, Durham**  
**Erection of 5 no. B1 office units, electrical substation**  
**and associated roads and car park (revised and**  
**resubmitted)**

**Resolved:** That the application 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) - Before the occupation of any building on the development site, a Green Transport Plan shall be submitted to the Local Planning Authority and agreed in writing. The approved Green Travel Plan shall then be implemented when each respective building is occupied and retained as such thereafter.
- (8) - Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, the buildings, and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented and a verification statement produced.

The Meeting terminated at 7.05 p.m.

Chairman

## City of Durham

At a Special Meeting of the **CABINET** held in the Town Hall, Durham, on Monday, 24<sup>th</sup> October, 2005, at 4.30 p.m.

**Present:** Councillor Reynolds (in the Chair)  
and Councillors Holland, Jackson, Southwell, Van Zwanenberg, Woods and Wynn.

**Also Present:** Councillors Cowper, Hepplewhite, Lightley, Pitts, Simpson, Stoddart, Syer, Thomson, Wolstenholme and Young.

### **288. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Howarth and Lodge.

### **289. PRESENTATION BY DURHAM SPORT**

Michelle Carney, Executive Director of Durham Sport gave Members a Presentation on the success of the Durham Sport Partnership to date, the impact for Durham City and the future of the partnership.

After a question and answer session, the Chairman thanked Michelle Carney for a very informative Presentation.

**Note:** All Members of the Council had been invited to attend the Presentation.

The Meeting terminated at 5.10 p.m.

Chairman

## City of Durham

At a Meeting of the **CABINET** held in the Town Hall, Durham, on Monday, 24<sup>th</sup> October, 2005, at 5.30 p.m.

**Present:** Councillor Reynolds (in the Chair)  
and Councillors Bell, Holland, Jackson, Southwell, Woods and Wynn.

**Also Present:** Councillors Carr, Cowper, Cummings, Dickie, Gill, Hepplewhite, Kellett, Lightley, Marsden, Moderate, Robinson, Rochford, Simmons, Stoddart, Syer, Taylor, Thomson, Walton, Wolstenholme and Young.

### **290. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lodge, Rae and Van Zwanenberg.

### **291. MINUTES**

The Minutes of the Meetings held on 12<sup>th</sup> September, 2005, were confirmed as a correct record and signed by the Chairman.

#### **Report of Chief Executive**

### **292. REPORTS FOR INFORMATION**

The Chief Executive submitted the following Report for Information, a copy of which had been placed in the Members' Room:

- (a) Local Government Ombudsman Cases Nos. 05/C/03261, O5/C/05433/SPC4, 05/C/04447, O5/C/03995 and 05/C/06007

**Resolved:** That the report be noted.

#### **Report of the Director of Legal & Administration Services**

### **293. REPORT OF ENVIRONMENT SCRUTINY PANEL BIODIVERSITY**

The Environment Scrutiny Panel were tasked with reviewing the Council's Biodiversity policy and procedures, which were introduced at the 10<sup>th</sup> May, 2005 meeting of Cabinet.

Their subsequent report was considered by the Scrutiny Committee on 5<sup>th</sup> September, 2005, when it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

**Resolved:** That the report and recommendations be approved and adopted.

### **294. REPORT OF COMMUNITY SERVICES SCRUTINY PANEL**

#### **a) EMPTY PROPERTY STRATEGY**

The Community Services Scrutiny Panel were tasked with scrutinising the Council's Empty Property Strategy.

Their subsequent report was considered by the Scrutiny Committee on 5<sup>th</sup> September, 2005, when it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

The Community Services Scrutiny Panel asked for clarification on the Council's intention with regard to Empty Homes Management Orders (EHMOs). Would the Council seek compulsorily purchase leases or was the intention to explore the development of a private sector-leasing scheme in partnership with a local housing association.

It was reported at the meeting that the Empty Homes Management Orders were still at the consultation stage.

**Resolved:** That the report and recommendations be approved and adopted.

**b) COUNCIL GARAGES**

The Community Services Scrutiny Panel were tasked with scrutinising the Letting of Garages due to concerns raised by Members that some garages were being used inappropriately.

Their subsequent report was considered by the Scrutiny Committee on 4<sup>th</sup> October, 2005, when it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

**Resolved:** That the report and recommendations be approved and adopted.

*Note: Councillors Dickie and Moderate joined the meeting at 5.35 p.m.*

**295. REPORT OF POLICY SCRUTINY PANEL**

**a) SICKNESS ABSENCE**

The Policy Scrutiny Panel were asked to scrutinise the incidence, level and areas of Sickness Absence throughout the Authority.

Their subsequent report was considered by the Scrutiny Committee on 4<sup>th</sup> October, 2005, when it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

A copy of the breakdown of Sickness Absence Statistics across the Authority referred to in the report had been placed in the Members' Room.

**Resolved:** That the report and recommendations be approved and adopted.

**b) FLOURISHING COMMUNITIES FUND  
EVALUATION CRITERIA**

The Policy Scrutiny Panel were asked to consider the Evaluation Criteria before formal adoption by the Council.

Their subsequent report was considered by the Scrutiny Committee on 4<sup>th</sup> October, 2005, when it was recommended that the report be referred to Cabinet. A copy of the report had been circulated.

**Resolved:** (i) That questions four and five of the suggested amendments to the Evaluation Criteria Document be approved subject to minor amendments to the text.

(ii) That subject to (i) above the suggested amendments to the Evaluation Criteria Document be not approved.

**296. VILLAGE SITE APPRAISAL – SHERBURN VILLAGE PROPOSED DISPOSAL OF 3 SITES AT DOWSEY ROAD AND USHER AVENUE, SHERBURN VILLAGE MINUTE 89, 20<sup>th</sup> JUNE 2005**

The Director of Legal and Administration Services submitted a comprehensive report to consider authorising the Leader of the Council in consultation with the Director of Legal & Administration Services and as advised by the Council Valuer to accept best price for the sites presently being marketed for residential development at Dowsey Road and Usher Avenue, Sherburn Village.

**Resolved:** (i) That Usher Avenue, Sherburn Village be removed from the process.

(ii) That the Leader of the Council in consultation with the Director of Legal & Administration Services and as advised by the Council Valuer be authorised to accept best price for the sites presently being marketed for residential development at Dowsey Road, Sherburn Village.

**297. CHRISTMAS LIGHTS**

Durham City Centre had in the past been criticised for poor lighting during the festive period. As a result, Durham City Forum had, on behalf of the Council, made enquires as to the most appropriate festive lighting scheme which could be obtained for the City.

As a result of restrictions on lighting in the Market Square due to the listed nature of the buildings from which the lights would be suspended, a scheme was agreed with Centre Design which, over a period of three years, would cost the Council less than £50,000. As a result, Portfolio holder approval to enter into the contract was sought and obtained.

As a result of being advised that additional lighting (in the form of a canopy over the Market Place) would be acceptable from the viewpoint of the Head of Cultural Services, the Council now had the opportunity to secure additional lighting for the festive period that would add to the impact of the current scheme. The additional lighting scheme would however bring the value of the Contract to over £50,000 and therefore required the approval of Cabinet in advance of entering into the contract.

**Resolved:** (i) That the Council enter into a contract to a value of £58,289 (plus VAT) with Centre Design to provide festive lighting for Durham City centre from 2005 until 2007.

(ii) That Standing Orders be waived in this instance, in accordance with the provisions of Contract Procedure Rule 5.1(c)

**298. REPORTS FOR INFORMATION**

The Director of Legal and Administration Services submitted the following Reports for Information, copies of which had been placed in the Members' Room:

- a) Road Traffic Regulation Act 1984 - Contravention of the City of Durham (Off Street Parking Places) Order 1995 (As Amended)
- b) Local Government (Miscellaneous Provisions) Act 1976
- c) Closure of Christmas Offices – Christmas Period 2005/2006
- d) Market Place Usage
- e) Housing Act 1985 – Right to Buy

**Resolved:** That the reports be noted.

**Report of the Director of Strategic Resources**

**299. RISK MANAGEMENT IN THE CITY OF DURHAM**

The Risk Management Working Group was charged with preparing a quarterly report on its activities to Cabinet.

The High Level Action Plan set targets for the Risk Management Working Group to review and improve risk management arrangements within the City of Durham.

The Director of Strategic Resources submitted a comprehensive report which outlined the activities of the Risk Management Working Group since April 2004, its performance against the targets set in the High Level Action Plan and considered future action plans. (See report File)

**Resolved:** (i) That the revised Risk Management Policy and Strategy be approved.

(ii) That the revised Strategic Risk Register be approved.

(iii) That the progress made by the Risk Management Working Group be noted.

(iv) That the planned future actions be supported.

**300. QUARTERLY REPORT ON THE ACTIVITIES OF THE TREASURY MANAGEMENT OPERATION FOR THE CITY OF DURHAM - QUARTER ENDED 30th SEPTEMBER, 2005**

Summary of Borrowing and Lending Transactions in the period and comparison with Operational and Authorised Net Borrowing Limits.

	<b>Borrowing Transactions</b>	<b>Lending Transactions</b>	<b>Net Borrowing Transactions</b>	<b>Operational Limit</b>	<b>Authorised Limit</b>
	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
Opening Balance	21,976	8,222	13,754	26,105	27,643
New Borrowing/ New Lending	0	25,458	(25,458)		
Repayment	183	25,623	25,440		
<b>Closing Balance</b>	<b>21,793</b>	<b>8,057</b>	<b>13,736</b>	<b>26,105</b>	<b>27,643</b>

**Breaches of Operational Limit on net borrowing transactions**

None

**Investments for more than 365 days (Prudential Limit = £1.5M)**

Opening Principal Investments for more than 365 days	NIL
Investments in period for more than 365 days	NIL
Closing Balance	NIL

**% Ratio of Variable to Fixed Debt**

	<b>Fixed £000s</b>	<b>Variable £000s</b>	<b>Total £000s</b>
Opening Balance	21,976		21,976
Trans in period	(183)		(183)
Closing Balance	21,793		21,793
% of debt	100%		100%
Approved parameters	(75% - 100%)	(0% - 25%)	N/A

**Resolved:** That the report be noted.

**301. SUBSCRIPTIONS - RENEWALS 2005/2006**

	<u>2004/2005</u>	<u>2005/2006</u>
	£	£
*Planning Officers Society	50.00	90.00

\* Specific Provision

**Resolved:** That the subscription be renewed.

**302. DONATIONS 2005/06**

An annual request for financial assistance had been received from DASH which the City Council had supported for many years.

DASH was a registered charity and it provided supported accommodation for vulnerable single homeless people at their premises at Dragonville and three other houses in the City. The majority of residents were from the City area and the Council had provided financial support since 1989 and, in anticipation of this request, a specific provision of £1,710 was included within the Estimates for 2005/2006.

**Resolved:** That a donation of £1,710 be paid to DASH for the financial year 2005/06.

**303. REPORTS FOR INFORMATION**

The Director of Strategic Resources submitted the following Report for Information, a copy of which had been placed in the Members' Room:

- a) Subscriptions and Donations - General 2005/2006

**Resolved:** That the report be noted.

**Report of Head of Human Resources**

**304. E-GOVERNMENT HEALTH CHECK**

The e-Government Programme Manager was overseeing the programme of projects to deliver the Priority Service Outcomes (PSO's). The Audit Commission had recently evaluated the Council's plans to meet these targets and submitted a report detailing their independent assessment. The Head of Human Resources submitted a comprehensive report that provided supporting evidence for the Council's CPA and confirmed how access to services could be improved for the community and service users. (See Report File)

**Resolved:** That the report be noted.

**Report of the Head of Housing Services**

**305. DISPOSAL OF LAND AT WEST RANTON**

At a meeting of Cabinet held on 23 May 2005 consideration was given to a report entitled Achieving the Durham City Vision – A Direction of Travel Report and Medium Term Financial Plan: The First Five Years. Section 3.1 Flourishing Communities Fund, 4) West Rainton (ii) School Avenue discussed the disposal of land containing Nos. 1-12 School Avenue where there were twelve one bedroom bungalows situated. As a result of extreme difficulties associated with the management of these bungalows, and the lack of demand for this type of accommodation, it was agreed that this land be transferred to Three Rivers Housing Group so that the bungalows could be demolished and new social rented accommodation built in its place.

Following further discussions with the local elected Members and Three Rivers Housing Group a further potential site was identified opposite Nos. 1-12 School Avenue, incorporating Nos. 47-54 School Avenue, where there were eight one bedroom bungalows.

Preliminary investigations identified that there were a number of elderly residents residing in the bungalows located Nos. 1-12 School Avenue, including one resident aged 63 years, two residents in their 80s and one resident aged 92 years. The demolition and subsequent re-provision of two bedroom bungalows on the site Nos. 47-54 School Avenue would greatly assist with the re-housing requirements of those elderly residents in Nos. 1-12 School Avenue.

Three Rivers Housing Group had secured Housing Corporation approval to develop the site incorporating Nos. 47-54 School Avenue to build eight two bedroom bungalows this financial year, and were seeking approval to develop the site incorporating Nos. 1-12 School Avenue during 2006/07.

**Resolved:** That the disposal of land incorporating Nos. 47-54 School Avenue, West Rainton to Three Rivers Housing Group be agreed.

**Report of the Head of Planning Services**

**306. DEVELOPMENT BRIEF: LAND AT LANGLEY MOOR HIGH STREET**

Officers of the City Council had been approached by landowners regarding development opportunities in an area of Langley Moor currently in employment use. Officers considered

that there was an opportunity to explore the development potential of a wider area with landowners and other interested parties in order to achieve key aims and objectives.

The purpose of the brief was twofold:

- To assess the opportunities and constraints relating to development issues raised through landowner and stakeholder interests in the area;
- To seek to create a better mix and disposition of land uses, creating a stronger, successful and more sustainable community in the longer term.

The Council had the option to adopt a level of intervention and proactive approach to the improvement of the area. The level of private sector ownership and fragmented interests in the area would suggest that a partnership was appropriate. The alternative was a reactive response to development proposals from the private sector.

The site offered a unique opportunity to:

- Create leverage to stimulate regeneration and maximise the use of previously developed land.
- Use housing of the appropriate type, scale and density as a catalyst for renewal.
- Provide a location which was sustainable relative to good public transport linkages.
- Relocate inappropriate uses, tackle associated land contamination, further consolidate the settlement of Langley Moor in its core area and create development which was better related to its surroundings.
- Improve the attractiveness of land prominent within the A690 road corridor - one of the City's major transport routes and key 'gateways'.
- Provide a location suitable for affordable housing close to local service facilities.
- Provide a means of assisting the relocation of industrial/commercial businesses to better, alternative sites in the employment area.

There were no financial or other apparent risk implications arising from the promotion of the brief. In the initial stages there were modest staff costs arising from planning enquiries and negotiations with prospective developers.

Development of the employment area for residential purposes would be contrary to the Development Plan and, as a Departure, would need to be adequately justified. Prospective developers would be expected to carry out negotiations with landowners or tenants (including City of Durham Council) with regard to any land acquisitions. The type and disposition of proposed land uses would reflect market considerations, land values, tenures and possible relocation packages. Engagement with the City of Durham Council and with owners/occupiers was strongly recommended from the outset.

The brief set out the requirements required for a planning submission but it was likely that further detailed design guidance would be required beyond the initial stage.

This was a prominent site with the potential to make a substantial contribution to the renewal of the Langley Moor area. As such pre-application discussions would be essential to develop the concepts to a final detailed proposal. The developer was therefore encouraged

to approach Planning Services with a view to taking advantage of its Development Team Approach.

**Resolved:** That the Brief be adopted as a basis for commencing discussions with landowners and other interested parties

### **Joint Report of the Head of Planning Services and Head of Housing Services**

#### **307. EMPTY PROPERTY STRATEGY**

The Empty Property Strategy was considered by Cabinet on 10 May 2004 when it was agreed that it be referred to Scrutiny Committee prior to it being formally approved by Cabinet.

On 14 June 2005 a presentation was made to all Members of the Council, when it was agreed that the Strategy and a skeleton Action Plan be brought back to the Community Services Scrutiny Panel.

On 5 September 2005 the Strategy and Action Plan were considered by Community Services Scrutiny Panel and it was agreed that both documents be referred to Cabinet for adoption and that progress be reviewed by Scrutiny. A copy of the Strategy was available in the Members Room for information and the Action Plan was circulated.

**Resolved:** That the Empty Property Strategy and Action Plan be formally approved.

**The Chairman had agreed to accept as a matter of urgency and due to the time factor involved, the Supplementary Report of the Chief Executive in relation to Review of Directors and Heads of Service Salaries**

#### **308. 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 items listed in Column 1 below, being reports of the Officers 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.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Durham Heart of the City Joint Adventure Disposal of Site Back Silver Street, Durham	Report of Director of Legal and Administration Services	Terms and Negotiations for the disposal of property (Para.9)
Revenue Collection, Recovery & Irrecoverable Items	Head of Financial Services	Information regarding financial or business affairs of a person (Para.7)
Request for Approval – Write Off of Irrecoverable Amounts	Head of Financial Services	Information regarding financial or business affairs of a person (Para.7)

Column 1	Column 2	Column 3
Reports for Information		
<ul style="list-style-type: none"><li>• Non Domestic Rate Irrecoverable Items</li><li>• Council Tax Irrecoverable Items</li><li>• Former Tenants Arrears Irrecoverable Items</li><li>• Sundry Debtor Irrecoverable Items</li></ul>	Head of Financial Services	Information regarding financial or business affairs of a person (Para.7)
Provision for Bad and Doubtful Debts	Head of Financial Services	Information regarding financial or business affairs of a person (Para.7)
Review of Directors and Heads of Service Salaries	Report of Chief Executive	Information relating to particular employees of the Authority (Para.1)

### **Report of the Director of Legal and Administration Services**

#### **309. DURHAM HEART OF THE CITY JOINT ADVENTURE DISPOSAL OF SITE AT BACK SILVER STREET, DURHAM MINUTE 524 9<sup>th</sup> DECEMBER 2002**

The Director of Legal and Administration Services submitted a comprehensive report to consider further revisions of terms for the disposal of the Durham Heart of the City site at Back Silver Street, Durham to Amec Developments Ltd.

**Resolved:** That variations to the Agreement of Sale between the City Council and AMEC Development Ltd to enable the Heart of the City site at Back Silver Street, Durham to be used for a scheme of residential development in accordance with terms reported by the Council's Valuer and as contained in the report be approved.

### **Report of the Head of Financial Services**

#### **310. REVENUE COLLECTION, RECOVERY & IRRECOVERABLE ITEMS**

The Head of Financial Services submitted a comprehensive report to provide members with background information on the Council's recovery processes, their relative effectiveness and an appreciation of the need to write off irrecoverable amounts in accordance with the Debt Management Strategy. (See Report File)

**Resolved:** That the report be noted.

#### **311. REQUEST FOR APPROVAL – WRITE OFF OF IRRECOVERABLE AMOUNTS**

##### **a) Non Domestic Rates – Items over £250**

Details of 30 items of Non Domestic Rates amounting to £33,518.76 listed at Appendix (i) to the Report which had been found to be uncollectable for the reasons stated were set out and authority was requested to write off these amounts.

**Resolved:** That the items of Non Domestic Rates referred to above be written off.

**b) Council Tax – Items over £250**

Details of 93 items of Council Tax amounting to £41,926.08 listed at Appendix (ii) to the Report which had been found to be uncollectable for the reasons stated were set out and authority was requested to write off these amounts.

**Resolved:** That the items of Council Tax referred to above be written off.

**c) Former Tenants Arrears – Items over £250**

Details of 53 items of Former Tenants Arrears amounting to £47,934.81 listed at Appendix (iii) to the Report which had been found to be uncollectable for the reasons stated were set out and authority was requested to write off these amounts.

**Resolved:** That the items of Council Tax referred to above be written off.

**d) Sundry Debtors – Items over £250**

Details of 45 items of Sundry Debtors amounting to £51,885.75 listed at Appendix (iv) to the Report which had been found to be uncollectable for the reasons stated were set out and authority was requested to write off these amounts.

**Resolved:** That the items of Sundry Debtors referred to above be written off.

**312. REPORTS FOR INFORMATION**

The Head of Financial Services submitted the following In Private reports for information, copies of which had been placed in the Members' Room:

- (a) Non Domestic Rate Irrecoverable Items
- (b) Council Tax Irrecoverable Items
- (c) Former Tenants Arrears Irrecoverable Items
- (d) Sundry Debtor Irrecoverable Items

**Resolved:** That the reports be noted.

**313. PROVISION FOR BAD AND DOUBTFUL DEBTS**

Members were asked to note that, taking into account the amounts identified in the write off of irrecoverable items and in the reports for information, the revised position in terms of the Council's provision for bad and doubtful debts were as follows: -

	<b>£000</b>
General Fund Debtors (Including Overpaid Housing Benefit)	503
HRA Rent Arrears	310
Council Tax Payers	837
National Non Domestic Rate Payers	345
	<b>1,995</b>

**Resolved:** That the report be noted.

**Note:** At the request of Cabinet all Officers with the exception of the Chief Executive left the meeting before discussion of the undermentioned item.

**Report of Chief Executive**

**314. REVIEW OF DIRECTORS AND HEADS OF SERVICE SALARIES**

Members had previously agreed as part of the Chief Executive's salary review to remove any link with other Directors and Heads of Services salaries.

Circulated for Members consideration was the subsequent independent review of Directors and Heads of Services salaries which had been benchmarked using a similar process

**Resolved:** That the recommendations outlined in the circulated report be agreed.

The Meeting terminated at 6.20 p.m.

Chairman

**MINUTES OF PANELS**

**October, 2005**

**315. MINUTES OF A MEETING OF THE APPEALS PANEL [GRIEVANCE]  
HELD ON 10<sup>th</sup> OCTOBER, 2005, at 5.30 p.m.**

**Present:** Councillor Shaw (in the Chair)  
and Councillors Gibbon, Jackson, Lodge, Marsden, Rochford, Simmons and Walker.

**(1) Apologies for Absence**

Apologies for absence were received from Councillors Graham, Hepplewhite, Simpson and Stoddart.

**(2) Minutes**

The Minutes of the Meeting held on 10<sup>th</sup> September, 2004, 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

Personal details of an employee of the Council (Para.1)

**Report of Head of Human Resources.**

**(4) Appeal – Post No. CS11**

The Panel considered an appeal lodged by Post No. CS11 in relation to a management decision.

A copy of relevant correspondence had been circulated for consideration.

**Resolved:** That the appeal be rejected on the grounds that (i) the procedure for selection of the post of Project Manager was not unfair, and (ii) the alternative employment offered to the Appellant was suitable as both jobs offered reasonably reflected the current terms of the Appellant's employment.

The Meeting terminated at 7.15 p.m.

Chairman