

MINUTES

for the Months of

September/October, 2004

City of Durham

At a Meeting of the **SCRUTINY COMMITTEE** held in the Town Hall, Durham, on Monday, 27th September, 2004, at 5.30 p.m.

Present: Councillor Lightley (in the Chair)
and Councillors Crathorne, Freeman, Howarth, Pape, Robinson and Wolstenholme.

Also Present: Councillors Bell, Cowper, Marsden, McDonnell, Moderate, Sheppard, Simpson, Smith, Stoddart, Southwell, Syer, Taylor, Wynn and Young.

258. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummings, Dickie, Hunter, Van Zwanenberg and Walton.

259. MINUTES

The Minutes of the Meeting held on 6th September, 2004, were confirmed as a correct record and signed by the Chairman.

260. CABINET DECISIONS – 13th SEPTEMBER, 2004

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

261. FORWARD PLAN

The Committee considered the Forward Plan, which was effective from 10th September, 2004, and had no comments to make.

Note: Councillor Smith declared a prejudicial interest in Item No. 5 on the Schedule referred to in the undermentioned item and remained in the Meeting during consideration thereof.

262. 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.

263. SCRUTINY PANELS – PROGRESS REPORT

A verbal report was given on the work of the respective Scrutiny Panels for Members' information.

***Note:** Councillor Moderate joined the Meeting at 5.40 p.m.*

264. TOPICS FOR SCRUTINY FOR ALLOCATION

(a) Unparished Areas – Durham City

Cabinet on 13th September, 2004, considered a report on the unparished areas in Durham City and resolved to ask the Scrutiny Committee to consider the matter in detail and submit a report to Council, outlining their recommendations. If the City Council decided to undertake a

review of Parish arrangements it was required to ensure that persons who may be interested in the review were informed about:-

- The decision to conduct the review
- The reasons and subject matter of the review
- The period within which representations about the subject matter of the review may be made

It was agreed the topic be referred to the Policy Scrutiny Panel with a suggestion that a small working party be set up to look at the issues.

(b) Council Procedure Rules

The City Council's Monitoring Officer was required to keep the Constitution under review. From time to time questions had been raised by Members on the Council's Procedure Rules and the Functions and Responsibility of Council, Committees and Panels. Members were asked to consider setting up a small working party comprising Members of the Scrutiny Committee to look at these issues and to recommend, where appropriate, amendments to the Constitution in relation to the Council's Procedure Rules and the section on Functions and Responsibilities.

It was agreed that a small Working Group be set up to look at this issue.

265. FUTURE SCRUTINY ARRANGEMENTS

The Annual Scrutiny Report made reference to the fact that following the Elections in May, 2003, it was decided that in order to maintain continuity, no changes would be made to the Scrutiny structure as established by the previous administration for a period of two years but that thereafter the scrutiny function would be subjected to review.

At the last meeting of the Scrutiny Committee, Members considered how best such a review might be undertaken and it was agreed that consideration be given to setting up a Working Group comprising four Liberal Democrat Members of the Scrutiny Committee together with the four Opposition Members to conduct the review. Initially the Working Group would be asked to explore the arrangements for Scrutiny in place in other Local Authorities to ascertain examples of good practice.

It was considered that the Working Group could then bring forward a report with suggestions for review to be considered by Scrutiny Committee.

It was proposed, therefore, that Members appoint a Working Group consisting of Councillors Crathorne, Cummings, Dickie and Robinson together with four nominees from the Liberal Democrat membership of the Scrutiny Committee and that the Working Group be tasked with bringing forward a report making recommendations on how the City Council's scrutiny arrangements might be improved with the intention that those arrangements be implemented with effect from Annual Council in May, 2005.

The Working Group would be asked to conclude their review by the end of December, 2004, to give sufficient time for their recommendations to be considered by Scrutiny Committee early in the New Year.

The issues to be considered by the Working Group would include:-

- whether there should be an overarching Scrutiny Committee
- whether there should be set Panels with prescribed Terms of Reference
- appointment of Chairs and Vice-Chairs
- whether there should be a Forward Plan for Scrutiny agreed each year

As a first step in the scrutiny process it was suggested that a questionnaire be sent to all Members of the Council canvassing opinion on the scrutiny process. A draft questionnaire was circulated. It was agreed that the questionnaire be circulated to Members subject to 'Council business' being omitted from the last question.

The Meeting terminated at 5.55 p.m.

Chairman

SCRUTINY COMMITTEE
27th September 2004
DECISIONS TAKEN BY PORTFOLIO MEMBERS

| Portfolio Member | Nature of Decision | Date |
|-------------------------|--|-------------|
| Councillor Mrs Pitts | Following agreement in principle by Local Ward Members on 2 June 2004, land comprising approx 40 m ² , being the site of a bus shelter/WC at Durham Road Esh Winning, be offered for sale to the residents of 1 Durham Road, Esh Winning at the price of £1,700. Use of the land to be restricted to private domestic garden within the residential curtilage of 1 Durham Road, the purchasers to erect and maintain new boundary fencing in accordance with the Council's requirements and to seek any necessary planning permission | 24.08.04 |
| Councillor Southwell | Application received in respect of a claim for the cost of the redirection of mail due to compulsory displacement from their home. Recommended that a payment of £14.30 be made to the Applicants | 24.08.04 |
| Councillor Mrs Pitts | Application received from Mr Habgood of 13 Long Acres, Gilesgate to purchase approximately 43m ² of land adjacent to his property for use as additional garden and protection of the gable of his property. Recommended that subject to contract and conditions an area of 43m ² or thereabouts of land be offered to the applicant on terms to be agreed by the Council's valuer. | 24.08.04 |
| Councillor Mrs Pitts | Application received from Mrs Johnson and her son in law Mr Bushby of 19 Holburn Close, Esh Winning to purchase approximately 46 metres of land adjacent to his property to enable off street parking with possibility of building a garage in the future. Recommended that subject to contract and conditions a reduced area of 33m ² or thereabouts of land be offered to the applicant on terms to be agreed by the Council valuer. | 24.08.04 |
| Councillor Mrs Pitts | Application received from Mr Smith of 80 High Street South, Langley Moor to purchase land to the rear of his property for use for vehicular hard standing and additional garden land. Recommended that subject to contract and conditions an area of 82m ² or thereabouts of land be offered to the applicant on terms to be agreed by the Council valuer. | 24.08.04 |
| Councillor Mrs Pitts | Application received from Ms Henderson of 30 Musgrave Gardens, Gilesgate for vehicular access over Council land to the front of her property. Recommended that subject to contract and conditions an area of 7m ² or thereabouts of land be offered to the applicant by way of Vehicular Access Licence over Council land. | 26.08.04 |

| Portfolio Member | Nature of Decision | Date |
|--|--|-------------|
| Councillor Mrs Pitts | Application received from Miss Meade of 35 Wakenshaw Road, Gilesgate to purchase approximately 43m ² of land adjacent to her property. The applicant to incorporate land into her garden and erect a high fence to reduce visibility of anti-social behaviour. Recommended that subject to contract and conditions a reduced area of 20m ² be offered to the applicant on terms to be agreed by the Council Valuer. | 26.08.04 |
| Councillor Mrs Pitts | Approval of application by Haslam Homes Ltd to occupy three sites under licence at Bowburn housing estate for the purpose of locating two developer's sign boards and an information centre/sales office in connection with the development of land at Lawson Road, Bowburn recently transferred by the Council to Durham Villages Regeneration Ltd | 26.08.04 |
| Councillor Mrs Pitts | Attendance at Debate on the Draft Regional Assemblies Bill organised by GONE on 31 August 2004 at Centre of Life, Newcastle. Fee: N/A Attendee : Councillor Mrs Pitts | 27.08.04 |
| Councillor Reynolds | Approval of the granting of various Licences to Durham County Council for the erection of Notice Boards at locations within the Gilesgate Ward. The information contained within the Notice Boards is to be of a non-political nature and will merely provide information to the residents of the Ward. | 29.08.04 |
| Councillor Southwell | Approval of adaptation to the home of a disabled person at 65 Bracken Court, Ushaw Moor to fit vertical lift and ramped access – cost £8203 | 31.08.04 |
| Councillor Mrs Pitts | Approval of the granting of permission to British Telecom to install telecommunications equipment for the purpose of provision of supplies to the Council's new Information Centre at Meadowfield. | 01.09.04 |
| Councillor Southwell | Application received in respect of Disturbance Payment as a result of the Council compulsory displacing the applicant from her home (Ref 238) Recommended that the fixed payment of £1,000 be made to the applicant | 02.09.04 |
| Councillor Mrs Pitts | Attendance at "Improvement, Modernisation, Efficiency – Implementing the Pay and Workforce Strategy" Seminar organised by NEREO on 17 September 2004 at Durham County Cricket Club Fee: FOC : Attendee Councillor A Rae | 02.09.04 |
| Councillor Southwell Councillor Woods | Application received in respect of Home Loss Payment as a result of the Council compulsorily displacing the applicant from her home (Ref 238) Recommended that the amount of rent arrears (£71.31) be deducted from the payment of £3,400 to be made to the Applicant | 03.09.04 |

| Portfolio Member | Nature of Decision | Date |
|-------------------------|--|-------------|
| Councillor Holland | Approval of application by Newton Hall Community Association for the City Council's consent under the lease of Newton Hall Community Centre to permit Durham County Council to occupy part of the Community Centre for temporary relocation of Newton Hall Library for a period of approximately 12 weeks commencing February 2005. Occupation to be permitted under licence only and otherwise on such terms as to charges as the Community Association may agree. | 07.09.04 |
| Councillor Reynolds | Approval of request received from The Guard of Honour, RAF Leeming to enter the City and bear arms on Sunday 12 September 2004 to lead the Battle of Britain Procession | 07.09.04 |
| Councillor Mrs Pitts | Approval of an application received from Mrs Musgrave of 9 Red Briar Walk Pity Me for the sale to her of land approx 70 m ² to the rear of her property to be used as vehicular hard standing and additional garden land. Recommended that subject to contract and certain conditions that the above area be offered to the applicant on terms to be agreed by the Council Valuer. | 10.09.04 |
| Councillor Mrs Pitts | Application received from Mr Foster of Ludworth Post Office North View Ludworth enquiring if the Council would consider selling to him approx 180 m ² or thereabouts of land to the rear of his property for use to build a garage and additional garden area. Recommended that subject to contract and certain conditions an area as stated be offered to the applicant on terms agreed by the Council Valuer | 10.09.04 |
| Councillor Mrs Pitts | Application received from Mr College of 7 Eskdale Close Belmont enquiring if the Council would consider selling to him land adjacent to his property for use as primarily garden use at the moment but may construct a garage on the site in future. Revised procedures agreed by the Leader that applications received primarily for garden use (and do not cite any other requirement or special circumstances) be presented to Local Ward Members recommending refusal. Recommended that the application be refused | 10.09.04 |
| Councillor Mrs Pitts | Application received from Mrs Cook of 16 Aykley Road, Framwellgate Moor to purchase approx 32m ² of land adjacent to her property in order to build a garage. Recommended that subject to contract and conditions a reduced area of 27m ² of land be offered to the applicant on terms to be agreed by the Council valuer. | 10.09.04 |

| Portfolio Member | Nature of Decision | Date |
|-------------------------|--|-------------|
| Councillor Mrs Pitts | Application received from Mr & Mrs Jury of 24 Petterson Dale, Coxhoe to purchase approx 60m ² of land for use as additional vehicular hard standing and garden land. Previous application refused under plenary powers in February 2003. Recommended that the application be refused | 14.09.04 |

City of Durham

At a Meeting of the **AUDIT OVERVIEW COMMITTEE** held in the Town Hall, Durham, on Thursday, 7th October, 2004, at 5.30 p.m.

Present: Councillor Leake (in the Chair)
and Councillors Dickie, Kellett, Pape, Shaw and Wynn.

Also Present: Councillor Sheppard.

266. APOLOGIES FOR ABSENCE

There were no apologies for absence.

267. MINUTES

The Minutes of the Meeting held on 8th July, 2004, were confirmed as a correct record and signed by the Chairman.

Report of Director of Corporate Finance.

268. INTERNAL AUDIT

The Director of Corporate Finance submitted a comprehensive report that compared the actual work undertaken by Internal Audit with that planned for the period 1st April, 2004, to 31st August, 2004.

Resolved: That the report be noted.

269. 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.

| Column 1 | Column2 | Column 3 |
|------------------------|-------------------------------|--|
| Special Investigations | Director of Corporate Finance | 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 Corporate Finance.

270. SPECIAL INVESTIGATIONS

The Director of Corporate Finance and Head of Internal Audit gave a verbal report on special assignments.

Resolved: That the report be noted.

The Meeting terminated at 6.40 p.m.

Chairman

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 13th October, 2004, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Crathorne, Griffin, Harbron, Hawgood, Holland, Howarth, Jackson, Kinghorn, Lodge, Shaw, Simmons, Stoddart, Taylor, Wynn and Young.

Also Present: Councillors Kellett and Turnbull.

271. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bell, Carr, Syer and Wolstenholme.

272. MINUTES

The Minutes of the Meeting held on 22nd September, 2004, were confirmed as a correct record and signed by the Chairman.

Report of Head of Environmental Protection.

273. 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. B. & Mrs. N. Quayle, Laxey Cottage, High Street South, Shincliffe, Durham, DH1 2NN.
 - (ii) Appeal by Mr. & Mrs. Hinton, 18 Boyd Street, Durham, DH1 3DP.
 - (iii) Appeal by Mrs. P.L. Hughes, land adjacent to Lymington Crossings, Esh Winning, Durham.
 - (iv) Appeal by Johnson Brothers, Quarrington Farm, Old Quarrington, Durham, DH6 5NN.
 - (v) Appeal by Mr. & Mrs. Gorman, 21 Leesfield Road, Meadowfield, Durham, DH1 5QU.

- (b) Notice of Outcome of Planning/Enforcement Appeals which had been lodged with the City Council
 - (i) Appeal by Mr. I.F. Bage, 7 Lancashire Drive, Belmont, Durham, DH1 2DE.
 - (ii) Appeal by Mr. & Mrs. K.D. Debenham, 113 Devonshire Road, Belmont, Durham, DH1 2BL.

- (c) Applications – Determined under Plenary Powers

- (d) Building Control Applications

Resolved: That the reports be noted.

Note: Councillor Howarth declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

274. DECISIONS MADE BY THE COUNTY COUNCIL

- (a) **CM/4/04/850** **Framwellgate School Durham, Newton Drive, Durham, DH1 5BQ.
Erection of building for use as new regional science centre**

The above application was considered by the Council on 18th August, 2004, when it was resolved to raise no objection.

Durham County Council's Planning Committee had now considered the proposal and resolved to approve the application.

- (b) **CM/4/04/691** **County Hall, Durham, DH1 5UT.
Erection and display of illuminated message board adjacent bungalows/main gate**

The above application was considered by the Council on 7th July, 2004, when it was resolved to raise objection.

Durham County Council's Planning Committee had now considered the proposal and resolved to approve the application.

- (c) **CM/4/04/866** **Aykley Heads Business Park, Aykley Heads, Durham
Surface Water balancing pond forming part of drainage scheme (revised scheme)**

The above application was considered by the Council on 18th August, 2004, when it was resolved to raise objection.

Durham County Council's Planning Committee had now considered the proposal and resolved to approve the application.

- (d) **CM/4/04/982** **Aykley Heads Business Park, Aykley Heads, Durham
Provision of temporary car park for construction traffic in connection with development of office site**

The above application was considered by the Council on 10th September, 2004, when it was resolved to raise objection.

Durham County Council's Planning Committee had now considered the proposal and resolved to approve the application.

Resolved: That the report be noted.

City of Durham

At a Special Meeting of the **CABINET** held in the Town Hall, Durham, on Monday, 18th October, 2004, at 5.30 p.m.

Present: Councillor Wynn (in the Chair)
and Councillors Bell, Jackson, Lodge, Rae, Southwell and Woods.

Also Present: Councillors Cowper, Crathorne, Freeman, Gill, Hawgood, Howarth, Kellett, McDonnell, Marsden, Norman, Robinson, Sheppard, Smith, Stoddart, Syer, Turnbull and Young.

277. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Holland, Hunter, Reynolds, Simmons, Walton and Wolstenholme.

278. PRESENTATION ON THE ROLE OF THE ANTI SOCIAL BEHAVIOUR OFFICER

The Presentation had been cancelled and would be reconvened at a later date.

279. PRESENTATION ON THE LOCAL AGENDA 21

Mr. David Thornborrow, Head of Environmental Protection, gave Members a Presentation on the Local Agenda 21.

After a question and answer session, the Chairman thanked Mr. Thornborrow for a very informative Presentation.

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

The Meeting terminated at 6.15 p.m.

Chairman

City of Durham

At a Meeting of the **CABINET** held in the Town Hall, Durham, on Monday, 25th October, 2004, at 5.30 p.m.

Present: Councillor Pitts (in the Chair)
and Councillors Bell, Holland, Jackson, Lodge, Rae, Reynolds, Southwell and Woods.

Also Present: Councillors Carr, Cowper, Dickie, Hawgood, Howarth, Kellett, McDonnell, Marsden, Moderate, Sheppard, Simmons, Smith, Stoddart, Syer, Taylor, Turnbull, Wolstenholme and Young.

280. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wynn.

281. MINUTES

The Minutes of the Meeting held on 13th September, 2004, and 18th October, 2004, were confirmed as a correct record and signed by the Chairman.

Report of Chief Executive.

282. REPRESENTATIVES ON OUTSIDE BODIES

(a) Local Authority Forum of the Arts Council (Minute 13, 20th May, 2003)

Council at its Annual Meeting held on 20th May, 2003, appointed Councillor Davison as its Representative on the Local Authority Forum of the Arts Council.

Due to other commitments, Councillor Davison wished to resign from the Local Authority Forum.

Following consultation with the Leader, it was recommended that Councillor Wynn replace Councillor Davison on the Local Authority Forum of the Arts Council.

Resolved: That Councillor Wynn replace Councillor Davison as the City Council's representative on the Local Authority Forum of the Arts Council.

(b) Regional Arts Council (Minute 71(b), 21st June, 2004)

Due to other commitments, Councillor Davison wished to resign as Representative on the Regional Arts Council. The County Durham Association of Local Authorities at its Meeting held on 1st October, 2004, had now appointed Councillor Wynn to replace Councillor Davison as their Representative on the Regional Arts Council.

Members were asked to note the position.

Resolved: That the report be noted.

**(c) St Oswald's C.E. (Controlled) Infant School, Durham
Governing Body
Minute 162(6)(c), 17th July, 2000)**

The County Council had indicated that the term of office of Councillor Pitts, as a Governor of St. Oswald's C.E. (Controlled) Infant School, Durham, had expired on 31st August, 2004.

Instructions were requested as to her re-appointment/replacement, such appointment to terminate on 31st August, 2008.

Resolved: That Councillor Mrs. Pitts be re-appointed as a Governor of St. Oswald's C.E. (Controlled) Infant School, such appointment to terminate on 31st August, 2008.

**(d) Durham City Arts Limited – Executive Board
(Minute 13, 20th May, 2003)**

As Members were aware, Councillor Mrs. Atkinson had resigned as a City Councillor.

Following consultation with the Leader, it was recommended that Councillor Wynn replace Councillor Atkinson on the Executive Board of Durham City Arts Limited, such appointment to terminate on 4th May, 2005.

Resolved: That Councillor Wynn be appointed to replace Councillor Atkinson on the Executive Board of Durham City Arts Limited, such appointment to terminate on 4th May, 2005.

283. REPORTS FOR INFORMATION

The Chief Executive submitted the following Reports for Information, copies of which had been placed in the Members' Room:

- (a) North East Regional Environment Protection Advisory Committee
- (b) Visit to University Hospital of North Durham – 5th October, 2004
- (c) Local Government Ombudsman's Case No. 04/C/01925
- (d) Road Traffic Regulation Act 1984 - Contravention of the City of Durham (Off Street Parking Places) Order 1995 (As Amended)
- (e) Market Place Usage
- (f) Housing Act 1985 – Right to Buy
- (g) Comprehensive Spending Review 2004
- (h) Statutory and Non Statutory Services
- (i) Subscriptions and Donations – General 2004/05

Resolved: That the reports be noted.

Report of Director of Legal Services.

**284. APPLICATION FOR RIGHT OF VEHICULAR ACCESS OVER
COUNCIL LAND AT 24 FINCHALE ROAD, FRAMWELLGATE MOOR**

An application had been received from Mr. & Mrs. Cornell, 24 Finchale Road, Framwellgate Moor, enquiring if the Council would consider allowing them right of vehicular access over Council land to the front of their property as shown on the circulated location plan. Mr. Cornell required the access because he was registered disabled.

Where the access was required was a busy road just past a bend with the Fire and Rescue Head quarters diagonally opposite.

The Director of Community Services and Director of Corporate Finance had no objection to the proposal.

The Director of Environmental Services had commented that there were no objections to the proposal in principle since the loss of part of the existing grass verge would have little impact on the amenity of the area itself, but given the small amount of land in question and its location at the thinnest point of the verge, there were concerns regarding the creation of a new vehicle access with obvious highway safety implications. A secondary concern was that should the proposed vehicular access be deemed safe and the proposal go ahead then it may set a precedent which would damage the quality of the local environment in the future and make other similar applications difficult to resist. Whilst recognising the applicant's need for accessibility, there may be other solutions that could be explored.

The Director of Legal Services had stated that there were great concerns about this proposed vehicular access onto one of the busiest feeder roads into the City on a bend and opposite the Fire Brigade HQ.

The County Council as Highway Authority had commented that they were satisfied that there would be sufficient visibility from the access onto Finchale Road and that vehicle movements would not be a hazard.

Planning consent had been granted for this proposal.

Ward Councillors had been consulted. One Ward Councillor agreed to the proposal subject to it not being a hazard on the corner due to impaired visibility. A second Ward Councillor disagreed to the proposal due to great concerns about both access and traffic.

Resolved: That arrangements be made for Cabinet Members and Ward Councillors to visit the site in question.

285. APPLICATION TO PURCHASE LAND ADJACENT TO 24 PETERSON DALE, COXHOE

An application had been received from Mr. & Mrs. Jury, 24 Peterson Dale, Coxhoe, enquiring if the Council would consider selling to them approximately 60 square metres of land as shown on the circulated location plan.

Mr. & Mrs. Jury intended to use the land as additional vehicular hardstanding and garden land. They had previously applied to purchase the land in November 2002; the application was refused under plenary powers in February 2003.

The Director of Community Services and the Director of Corporate Finance had no objections to the proposal.

The Director of Environmental Services had commented that the further driveway proposed would not enhance the quality of the residential environment, which had been reasonably well maintained in spite of criticism about vandalism and poor maintenance.

The Director of Legal Services had stated that this was a repeat application and it was not envisaged that the Council's position had changed. Clearly the situation was entirely aggravated by the fact that the dwelling had been extended to severely restrict parking space that previously existed along the gable side. The application site was an area of

structural landscaping within the original layout of the estate. Not only that the estate layout may be compromised but also that by setting a precedent other similar applications would be more difficult to resist and therefore be more contentious. It was suggested that the applicant utilise more of the front garden for off street parking.

Ward Councillors had been consulted. One Ward Councillor agreed with the recommendation while the other two Ward Councillors disagreed with the recommendation and had commented that providing the brick pillar was retained the application should be approved.

Resolved: That the application be refused.

Report of Director of Corporate Finance.

**286. GALA THEATRE – PROVISIONAL FINANCIAL REPORT
FOR THE PERIOD 1st APRIL TO 30th SEPTEMBER, 2004**

The Director of Corporate Finance submitted a provisional report outlining details of the financial position of the Gala Theatre for the period 1st April to 30th September, 2004.

Resolved: That the report be noted.

Note: Councillor Kellett left the Meeting at 5.40 p.m.

287. SUBSCRIPTIONS - RENEWALS 2004/2005

| | 2003/2004 | 2004/2005 |
|--|------------------|------------------|
| | £ | £ |
| ◆ *National Council for Voluntary Organisations (NCVO) | 585.00 | 625.00 |
| * Specific Provision | | |

Resolved: That the subscription be renewed.

288. DONATIONS 2004/05

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 2004/2005.

Resolved: That a donation of £1,710 be paid to DASH for the financial year 2004/05.

Report of Director of Community Services.

**289. LAND AT SHERBURN LEISURE CENTRE:
APPROACH BY LOCAL SURGERY**

The Director of Community Services submitted a comprehensive report regarding Sherburn and Belmont Surgery Group Practice which currently provided a Medical Centre and GP facilities in Sherburn Village. The Practice had indicated that the current site was now no longer large enough to respond to future community needs. They had approached the

Council and indicated a desire to purchase land immediately adjacent to Sherburn Leisure Centre in order to provide new fit for purpose facilities for the community. (See Report File).

Resolved: (i) That Cabinet agrees in principle to the lease of land adjacent to Sherburn Leisure Centre on terms to be agreed to the Sherburn and Belmont Group Practice.

(ii) That a further report be presented in the future outlining the outcome of negotiations and the extent of proposed development to provide new enhanced medical facilities for Sherburn Village.

Note: Councillor Lodge declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

290. HOME FRONT RECALL

Home Front Recall was part of a special Lottery Programme called Veterans Reunited which was set up to commemorate the 60th Anniversary of the events that led to the end of the Second World War, and to ensure that new generations can learn from their experiences.

The fund would make grants towards activities that:

- took place and involved people who live in the U.K.
- took place on a regional or local basis
- commemorated or marked events, activities and contributions of people living and working in the U.K. during the period of the Second World War (1939-1945).

Examples of the type of activities that would be funded were street parties, reunions, exhibitions and events for groups commemorating the contribution or experience of U.K. based armed services such as R.A.F. Groundcrew, Air Defence Units, shore based Navy staff, Intelligence staff etc., the Homeguard, Civil Defence, Bevin Boys, W.R.V.S., Land Army and evacuees. Any events that commemorated the Anniversary would be considered for funding.

There were a number of criteria that would be assessed for an application and grants of between £500 and £20,000 would be made. Only one grant per organisation would be made and any not-for-profit organisation could receive a grant including Clubs and Societies, Schools, Local Authorities and Parish Councils. Groups did not need to be formally established.

All applications must be received by Home Front Recall by 31st March, 2005, and all activities must have taken place by 31st December, 2005.

Because of the breadth of groups and the diversity of proposals, it would be difficult for the City Council to attempt to co-ordinate all ideas that may emerge into one application.

The Council may wish to act as an enabler by advertising the availability of grants to Clubs, Societies and within Communities. Activities could take place from 1st April to 31st December, 2005, and it would be up to each organiser to timetable their own event. However, Members may wish to consider organising either one key event or a series of events that may be more overarching than those held within Communities, perhaps utilising the Gala Theatre, or in partnership with the Dean and Chapter to utilise the Cathedral for a cornerstone event.

It was recommended that a Member and Officer Working Group be formed in order to explore options for such events and to oversee contact within Communities, Clubs and Societies. It was proposed that the Working Group be cross-party.

Resolved: That a Member and Officer Working Group be formed with three representatives from the Liberal Democrats, one Labour, 1 Independent and appropriate Officers.

Report of Head of Environmental Protection.

291. HOME IMPROVEMENT AGENCY SERVICE

The Council had entered into a dialogue with Chester-le-Street District Council, Durham County Council's Social Service Department and Durham and Chester-le-Street Primary Care Trust with a view to the possible establishment of an HIA in the form of an arms-length body with responsibility for a range of home care and property improvements, including the delivery of grants for aids and adaptations to eligible residents of domestic properties.

Development of a HIA would be the subject of a funding bid, shared between the funding partners of the possible body. Arising from the work of three HIA's already operating within County Durham, a considerable amount of preparation had been undertaken to prepare a viable and successful business case.

Development of a funding bid would identify the potential efficiency savings which could arise from the establishment of the body. In the case of the City Council there could be savings, which currently cut across housing, financial, building control and environmental health functions.

The City Council was invited to consider a 'pump-priming' contribution of £10,000 towards the preparation of a bid and initial set-up costs. Any subsequent annual contribution from each partner towards operation of the Agency would be offset against the Council's current direct staff costs and service charges relating to housing grants. As well as an annual cost of supporting the Agency the Council would be required to continue to make provision for mandatory Disabled Facilities Grant expenditure, together with any allocation of discretionary grants.

It was reported at the Meeting that a £30,000 bid for funding had been successful.

Resolved: (i) That a supplementary estimate of £10,000 towards the establishment of a jointly funded HIA be approved.

(ii) That the costs incurred between the General Revenue Account and the Housing Revenue Account be apportioned.

(iii) That further reports be prepared to define the scope and financial commitments associated with any support for the Agency beyond 2005/2006.

292. REPORTS FOR INFORMATION

Reports for information in relation to the following items had been placed in the Members' Room:-

- (i) Environmental Protection Act 1990 : Collection of Strays
- (ii) Statutory Notices
- (iii) Environmental Monitoring
- (iv) Renovation Grants 2004/05

Resolved: That the reports be noted.

293. 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.

| Column 1 | Column 2 | Column 3 |
|---|-------------------------------|---|
| <p>Reports for Information:</p> <ul style="list-style-type: none"> Land Transactions – Valuation Reports | Chief Executive | Terms in negotiations for disposal of land by the Council (Para.9). |
| 42 Oswald Court, Durham City | Director of Legal Services | Negotiations in respect of sale of land (Para.9). |
| Financial Report for the City Council for the Period 1 st April to 31 st August, 2004 | Director of Corporate Finance | <p>Proposed expenditure on a contract for acquisition of land, goods or services (Para.8).</p> <p>Terms in negotiations for contracts for acquisition or disposal of property, or supply of goods or services (Para.9).</p> |
| General Fund Capital Programme 2004/2005 | Director of Corporate Finance | <p>Proposed expenditure on a contract for acquisition of land, goods or services (Para.8).</p> <p>Terms in negotiations for contracts for acquisition or disposal of property, or supply of goods or services (Para.9).</p> |
| Housing Business Plan 2004/2005 | Director of Corporate Finance | <p>Proposed expenditure on a contract for acquisition of land, goods or services (Para.8).</p> <p>Terms in negotiations for contracts for acquisition or disposal of property, or supply of goods or services (Para.9).</p> |
| Sundry Debtors Irrecoverable Items Over £250.00 | Head of Housing and Revenues | Information regarding financial or business affairs of a person (Para.7). |
| Council Tax Irrecoverable Items Over £250.00 | Head of Housing and Revenues | Information regarding financial or business affairs of a person (Para.7). |

| Column 1 | Column 2 | Column 3 |
|---|---------------------------------|---|
| Former Tenant Arrears Irrecoverable Items Items Over £200.00 | Head of Housing and Revenues | Information regarding financial or business affairs of a person (Para.7). |
| Reports for Information: <ul style="list-style-type: none">• Sundry Debtor Irrecoverable Items• Council Tax Irrecoverable Items• Former Tenants Arrears Irrecoverable Items | Head of Housing and Revenues | Information regarding financial or business affairs of a person (Para.7). |

Report of Chief Executive.

294. REPORTS FOR INFORMATION

The Chief Executive submitted an In Private Report for Information in relation to Land Transactions – Valuation Reports, copies of which had been placed in the Members' Room.

Resolved: That the report be noted.

Report of Director of Legal Services.

295. 42 OSWALD COURT, DURHAM CITY

No.42 Oswald Court was sold in October 1984 under the Right to Buy scheme and one of the restrictive covenants to which the sale of the property was made subject was not to trade or carry on business upon the property or any part thereof, nor use the same otherwise than as a private dwellinghouse.

A request had been submitted from the owners stating that they had been granted planning permission to change the use of 42 Oswald Court, Durham City, from residential use to mixed residential and bed and breakfast use and requesting that the restrictive covenant be varied to allow for the implementation of that planning consent.

Resolved: That the application to vary the existing restrictive covenant be refused.

Report of Director of Corporate Finance

296. FINANCIAL REPORT FOR THE CITY COUNCIL FOR THE PERIOD 1st APRIL TO 31st AUGUST, 2004

The Director of Corporate Finance submitted a report outlining details of the financial position of the City Council for the period 1st April to 31st August, 2004.

Resolved: That the report be noted.

297. GENERAL FUND CAPITAL PROGRAMME 2004/05

The Project Control Group had reviewed the 2004/05 capital programme and had identified several changes which were circulated at Appendix 'A' to the report. The major changes were set out for consideration.

Resolved: That the revised General Fund Capital Programme be approved.

298. HOUSING BUSINESS PLAN 2004/05

The Project Control Group had reviewed the 2004/05 Business Plan and had identified several changes, details of which had been set out for consideration.

Resolved: That the revised Housing Business Plan be approved.

Report of Head of Housing and Revenues.

299. SUNDRY DEBTOR IRRECOVERABLE ITEMS ITEMS OVER £250.00

Details of 8 items of Sundry Debtors amounting to £4,644.06 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 Sundry Debtors referred to above be written off.

300. COUNCIL TAX IRRECOVERABLE ITEMS ITEMS OVER £250.00

Details of 18 items of Council Tax amounting to £12,523.17 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.

301. FORMER TENANT ARREARS IRRECOVERABLE ITEMS ITEMS OVER £200.00

Details of 50 items of Former Tenant Arrears amounting to £28,606.36 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 Former Tenant Arrears referred to above be written off.

302. REPORTS FOR INFORMATION

The Head of Housing and Revenues submitted the following In Private Reports for Information, copies of which had been placed in the Members' Room:-

- (a) Sundry Debtor Irrecoverable Items
- (b) Council Tax Irrecoverable Items
- (c) Former Tenants Arrears Irrecoverable Items

Resolved: That the report be noted.

The Meeting terminated at 6.20 p.m.

Chairman

MINUTES OF PANELS

October, 2004

**303. MINUTES OF A MEETING OF THE LICENSING PANEL
HELD ON 13th OCTOBER, 2004, AT 9.30 a.m.**

Present: Councillor Smith (in the Chair)
and Councillors Cummings, Dickie, Gibbon, Graham, Kellett, Kinghorn, Marsden, Sheppard,
Simmons, Stoddart, and Young.

(1) Apologies for Absence

Apologies for absence had been received from Councillor Hunter.

(2) Minutes

The Minutes of the Meetings held on 15th July, 2004, and 14th September, 2004, were confirmed as a correct record and signed by the Chairman.

(3) Sub-Meeting of the Licensing Panel

Minutes of the Sub-Meeting of the Licensing Panel held on 9th September, 2004, were circulated.

Resolved: That the report be noted.

Report of the Director of Environmental Services.

(4) 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

Applicant for Interview

Column 2

Director of
Environmental Services

Column 3

Information relating to the
financial or business affairs of
a person (Para.7).

Legal Proceedings (Para.12)

(5) Application for the Grant of a Hackney Carriage Driver's Licence – Mr. S. S

The Applicant attended for interview.

Resolved: That the applicant be granted a licence to be a Hackney Carriage driver for a period of 6 months, subject to satisfactorily passing a medical examination.

Note: The following items were considered In Public.

**(6) Local Government (Miscellaneous Provisions) Act 1982
Application to Vary a Public Entertainment Licence
Bar 19, 19 North Road, Durham**

An application had been received from Swinburne Maddison, Solicitors, on behalf of Kevin Willis to extend the public entertainment licence hours to Monday to Saturday, 11.00 a.m. to

2.

1.00 a.m. and on Sundays from noon to midnight (2.00 a.m. if preceding a Bank Holiday Monday other than for Easter Sunday). The application also requested that the maximum occupancy for the premises be increased from 100 to 200 persons.

Bar 19, previously known as the Saddle Market, had been licensed for public entertainment since 1995. On 17th September, 2002, the Licensing Panel considered 12 written objections and an application to vary the licence to include Sundays. The application was granted.

The current licence would expire on 31st March, 2005, and was valid Monday to Saturday 11.00 a.m. to 11.00 p.m. and on Sundays from noon to 10.30 p.m.

The applicant had advertised the application in the local press and on the building for 21 days. The Authority had notified local properties within 150 metres radius, totalling 200 relevant properties. The Authority received 16 written objections within the 21 days allowed, details of which had been set out and copies circulated.

The Authority had notified the Police, Environmental Health Officer and County Durham and Darlington Fire and Rescue Service with regards to this application. No objections had been received from these consultees.

Resolved: That the application be granted in full with an additional condition on the licence that 1 hour before closing time the music/entertainment should be reduced and changed to bring down patrons from high.

(7) Local Government (Miscellaneous Provisions) Act 1982 Application for the Grant of a Public Entertainment Licence Brawn's Den, Winchester Drive, Brandon

An application had been received from Leslie Alan Rowland for a public entertainment licence on Fridays from 7.00 p.m. to 11.00 p.m., on Saturdays from 9.00 p.m. to 11.00 p.m., and on Sundays from 7.00 p.m. to 10.30 p.m. In the press notice, the intended opening hours were given as noon to 11.00 p.m. with no particular days of the week specified.

The Brawn's Den was granted a provisional public entertainment licence in June 2000. The licence was not renewed in 2003, as the full licence fee was not submitted with the application.

The applicant had advertised the application in the local press and on the building for 21 days. The Authority had notified local properties within 150 metres radius, totalling 140 relevant properties. The Authority had received 8 written objections, details of which had been set out and copies circulated.

The Authority had notified the Police, Fire Brigade and Environmental Health Officer with regards to this application. An objection had been received from the Police, details of which had been circulated.

Resolved: That the application be granted for a period of 6 months subject to the Licensing Officer being satisfied that suitable conditions upon the licence have been fulfilled.

(8) Local Government (Miscellaneous Provisions) Act 1982 Application for the Grant of a Public Entertainment Licence Three Horse Shoes, Gilesgate

An application had been received from Mrs. Elizabeth Clark for a public entertainment licence on Monday to Saturday from noon to 11.00 p.m., and on Sundays from noon to

3.

10.30 p.m. The press notice only stated the intended opening hours as being noon to 11.00 p. m., Saturday and Sunday.

No application for a public entertainment licence for the Three Horse Shoes had been received previously.

The applicant had advertised the application in the local press and on the building for 21 days. The Authority had notified local properties within 150 metres radius, totalling 213 relevant properties. The Authority had received 5 written objections, details of which had been set out and copies circulated.

The Authority had notified the Police, Fire Brigade and Environmental Health Officer with regards to this application. No objections had been received from these consultees, a list of suggested conditions to be attached to the licence if granted were listed below.

Proposed Conditions

1. Fire extinguishers must be tested now and annually. An additional CO2 fire extinguisher and fire blanket must be provided in the kitchen.
2. Fit "Push Bar to Open" sign to rear exit door to beer garden.
3. Fit exit sign on escape door from beer garden.
4. Escape door from beer garden must have dead bolts removed and be unlocked when the premises are in use.
5. The seating fabric must be repaired.
6. Provide electrical test certificate, which must include the fire alarms and emergency lighting.
7. A log book must be kept on the premises recording the tests carried out on the fire alarms and emergency lighting.

| | | |
|--------------------|---|----------------------|
| Fire Alarms | - | to be tested weekly |
| Emergency Lighting | - | to be tested monthly |

8. Provide white edge to stage (50mm).
9. Provide artist electrical board which must be fitted with 30 ma RCD.
10. Fit noise limiter to the Environmental Health Officer's requirements.
11. The CCTV must be updated to the Police requirements and be in accordance with the Data Protection Act.
12. The opening sashes to the windows must be kept closed when premises are in use for this licence.
13. Provide confirmation that there is a relay between the fire alarm and power supply to sound equipment so that on activation of the fire alarms power is terminated.
14. The maximum number of persons to be permitted must be restricted to 80.

Resolved: That the application be granted in full for a preliminary period of 6 months once the Licensing Officer is satisfied that all relevant conditions have been complied with.

The Meeting terminated at 11.45 a.m.

Chairman