

MINUTES

for the Months of

January & February, 2004

City of Durham

At a Special Meeting of the **CABINET** held in the Town Hall, Durham, on Wednesday, 21st January, 2004, at 5.30 p.m.

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

Also Present: Councillors Atkinson, Cowper, Davison, Dickie, Graham, Howarth, Kellett, Lightley, McDonnell, Sheppard, Simmons, Wolstenholme and Young.

527. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lodge, Pitts, Southwell and Turnbull.

528. PRESENTATION BY DURHAM CITY ARTS

Jan Docherty, Director, together with other Representatives of Durham City Arts, including:-

- Alison Lister, Festivals Co-ordinator
- Christian Barnes, Public Art and Design Officer
- Helen Brewster, Creative Business Support Worker
- Beth Davidson, Digital Visual Artist, and
- Nicola Zena Lumley, Digital Audio Artist

gave Members a Presentation on the work covered by Durham City Arts, focussing on work with young people, local communities, festivals and public art and design.

After a question and answer session, the Chairman thanked Ms. Docherty and her colleagues for a very informative Presentation.

The Meeting terminated at 6.25 p.m.

Chairman

City of Durham

At a Meeting of the **SCRUTINY COMMITTEE** held in the Town Hall, Durham, on Monday, 26th January, 2004, at 5.30 p.m.

Present: Councillor Lightley (in the Chair)
and Councillors Crathorne, Howarth, Hunter, Pape, Van Zwanenberg, Walton and Wolstenholme together with Parish Council Representative, Councillor A.M. Williams.

Also Present: Councillors Bell, Carr, Kellett, Pitts, Rochford, Sheppard, Simmons, Syer, Taylor and Young.

529. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummings.

530. MINUTES

The Minutes of the Meetings held on 24th November, 2003, were confirmed as a correct record and signed by the Chairman.

531. CABINET DECISIONS – 8th DECEMBER, 2003 AND 12th JANUARY, 2004

The Cabinet reports had been noted. There was a question from Councillor Crathorne relating to the Boundary Committee, asking if the Council had a fallback position other than that given to Council. Councillor Pitts answered that the Council did not have a fallback position.

532. 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'.

533. FORWARD PLAN

The Committee considered the Forward Plan which was effective from 2nd February, 2004, and had no comments to make.

534. SCRUTINY PANELS – VERBAL PROGRESS REPORT

The Chairmen of the various Scrutiny Panels gave verbal reports on the progress of their respective Scrutiny Panels for Members' information. Further topics were also suggested for consideration - Taxi Survey, Homeless Strategy, Student Accommodation and Leisure Centres.

535. INTERIM REPORT – ENVIRONMENT SCRUTINY PANEL

An interim report was given by the Chair of Environment Scrutiny Panel in respect of Open Space Thematic within the CPA Self Assessment documentation. The Panel was divided into two working groups to consider the provision of services for children and young persons and issues of litter and street cleanliness respectively.

The Members of the Panel expressed their satisfaction with the work of the City Council in the areas examined and the initiatives which were currently being pursued.

Environment Scrutiny Panel would continue to scrutinise the two remaining issues contained within the Public Space Assessment; Management of the Physical Environment and work with Partners to Improve Community Safety. The Panel would report on these issues to Scrutiny Committee.

Recommended: That the interim report be referred to Cabinet.

536. 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 the 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	Column 2	Column 3
Financial Reporting for the Period 1 st April to 30 th November, 2003	Chief Executive	Terms in negotiations for contracts for acquisition or disposal of property, or supply of goods or services (Para.9).

**537. FINANCIAL REPORTING FOR THE PERIOD
1st APRIL TO 30th NOVEMBER, 2003**

The Director of Corporate Finance submitted a report outlining the financial position of the Council for the period 1st April to 30th November, 2003.

The report was noted. There were no items on which the Committee wished to make further comment.

The Meeting terminated at 6:30 p.m.

Chairman

SCRUTINY COMMITTEE
26th January 2004
DECISIONS TAKEN BY PORTFOLIO MEMBERS

Portfolio Member	Nature of Decision	Date
Councillor RW Wynn	Approval of Financial Incentives to Industry Grant Assistance to Caspian Learning - Exhibition Grant - £500	13.11.03
Councillor RW Wynn	Approval of Financial Incentives to Industry Grant Assistance to Ian Armstrong- Exhibition Grant - £500	13.11.03
Councillor RW Wynn	Approval of Financial Incentives to Industry Grant Assistance to David Craig Ltd - Exhibition Grant - £500	13.11.03
Councillor C Woods	Approval of free coach parking for Christmas Festival Weekend (6/7 Dec '03)	25.11.03
Councillor C Woods	Application for Financial Assistance from St Bartholomew's Parish Church, Croxdale to purchase electric piano & equipment for the choir. Recommended that a donation of £25 be offered.	27.11.03
Councillor C Woods	Application for Financial Assistance from Association for Spina Bifida & Hydrocephalus for help to continue with their work. Recommended that the application be refused.	27.11.03
Councillor C Woods	Application for Financial Assistance from St John's Ambulance towards purchase of new ambulances. Recommended that a donation of £50 be offered	27.11.03
Councillor Mrs S Pitts	NLPG Exemplar Awards – 2 December 2003 in London. Attendees – Councillor Jackson and Andrew Young (Technical Resources Manager)	28.11.03
Councillor JG Holland	Application for use of Section 106 money to provide increased leisure facilities at Meadowfield Centre. Recommendation to provide new steam room facility by ALBA Pools of Brechin at total cost of £13,908.00. Available finance via S106 is £13,800.00 additional cost to be met from operational budget.	02.12.03
Councillor Mrs S Pitts	Application received from Mr & Mrs Lynn of 35 Grey Ridges, Brandon to purchase approx 98m ² of land adjacent to their property to use as parking for two vehicles. Recommended that subject to contract and conditions a reduced area of 15m ² or thereabouts be offered to the Applicant on terms to be agreed by the Council's Valuer.	04.12.03

Portfolio Member	Nature of Decision	Date
Councillor Mrs S Pitts	<p>Application received from Mr Wilkinson of 13 Roosevelt Road, Gilesgate to purchase approx 85m² of land to the front of his property and also to allow him vehicle access over 7m² of land.</p> <p>Land to be used as enclosed driveway.</p> <p>Recommended that subject to contract and conditions a reduced area of 23m² or thereabouts be offered to the Applicant on terms to be agreed by the Council's Valuer and 5m² or thereabouts be offered to the Applicant as vehicular access.</p>	04.12.03
Councillor Mrs S Pitts	<p>Application received from Mr Averil & Ms Robinson of 19 Gray Avenue, Sherburn Village to purchase approx 26m² of land adjacent to their property to use for vehicular hard standing.</p> <p>Recommended that subject to contract and conditions an area of 37m² or thereabouts be offered to the Applicant on terms to be agreed by the Council's Valuer.</p>	04.12.03
Councillor Mrs S Pitts	<p>Application received from Mr Hay of 25 Lindisfarne Road, Newton Hall to purchase approx 76m² of land adjacent to his property to install a disabled ramp.</p> <p>Recommended that subject to contract and conditions a reduced area of 53m² or thereabouts be offered to the Applicant on terms to be agreed by the Council's Valuer.</p>	15.12.03
Councillor Mrs S Pitts	<p>Application received from Mrs Cassie of 35 Hopper Place, Newton Hall to purchase land to the rear of her property for use as additional garden space.</p> <p>Recommended that the application be refused</p>	15.12.03
Councillor Mrs S Pitts	<p>Local Government Finance in the North East and Spending Review 04 Seminar – 16 January 2004 – Newcastle Civic Centre</p> <p>Attendee Councillor Woods</p>	17.12.03
Councillor C Woods	<p>Acceptance of highest offer, from seven informal tenders received, of £43,000 from P Stott Properties Ltd in respect of sale of the former Coxhoe housing depot</p>	24.12.03
Councillor JG Holland	<p>Application received from Dr & Mrs Johnson to purchase approx 121m² of land adjacent to their property at 18 Church Street, Durham City to use as additional garden space which could be fenced off.</p> <p>Recommended that the application be refused</p>	27.12.03
Councillor Mrs S Pitts	<p>Attendance at CCC/English Partnerships Annual Members' Forum at Xscape, West Yorkshire – 29 January 2004 – Attendee Councillor Wynn</p>	09.01.04

Portfolio Member	Nature of Decision	Date
Councillor Mrs S Pitts	Attendance at Seminar – "Into the Future – Five Years on With Action for Wildlife at Cricket Ground, Chester-le-Street – 30 January 2004 – Attendees – Councillor Reynolds and David Thornborrow	09.01.04
Councillor Mrs S Pitts	Attendance at Seminar – Licensing Act 2003 – North East Regional Employers' Organisation – 18 March 2004 – Attendee – Councillor Mrs M Smith	09.01.04
Councillor Mrs S Pitts	Application received from Mr Crisp to purchase land adjacent to his property at 100 Priors Grange, Pitlington for purpose of extending his garden. Recommended that the application be refused	13.01.04
Councillor Mrs S Pitts	Application received from Mrs Carr for grant of Right of Vehicular Access over land to front of her property at 47 Grove Road, Brandon for use as parking space for her vehicle. Recommended that subject to contract and conditions an area of 15m ² be offered to the applicant on terms to be agreed by Council Valuer.	13.01.04
Councillor Mrs S Pitts	Application received from Mrs Lax to purchase approx 80m ² of land adjacent to her property at 12 Coniston Close, Belmont for use as additional garden land. Recommended that subject to contract and conditions an area of 34m ² to be offered to the applicant on terms to be agreed by the Council's Valuer	13.01.04
Councillor Mrs S Pitts	Application received from Mr Howarth to purchase approx 13m ² of land to front of his property at 2 Taylor Avenue, Bearpark for use as driveway and future extension to his property. Recommended that subject to contract and conditions an area of 13m ² be offered to the applicant on terms to be agreed by the Council Valuer	14.01.04
Councillor Mrs S Pitts	Application received from Mrs Marsden to purchase approx 30m ² to the rear of her property at 31 Luke Avenue, Cassop to improve access to adjacent piece of land owned and cultivated by her and extend her existing garden. Recommended that subject to contract and conditions the applicant be offered 30m ² or thereabouts of land to rear of her property.	14.01.04

City of Durham

At a Meeting of the **DEVELOPMENT CONTROL COMMITTEE** held in the Town Hall, Durham, on Wednesday, 28th January, 2004, at 5.30 p.m.

Present: Councillor Norman (in the Chair)
and Councillors Atkinson, Bell, Carr, Holland, Howarth, Jackson, Kinghorn, Pitts, Rochford, Simmons, Syer, Taylor, Wolstenholme, Wynn and Young.

Also Present: Councillors Freeman, Gibbon, Marsden, Simpson and Smith.

538. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Crathorne, Griffin, Harbron, Lodge and Stoddart.

539. MINUTES

The Minutes of the Meeting held on 7th January, 2004, were confirmed as a correct record and signed by the Chairman.

Report of Director of Environmental Services.

540. 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. Stiff – Site at 22 Swallow Close, Esh Winning
 - (ii) Appeal by Mr. C. Fenwick – Site at Bede Lodge, Redhills Lane, Durham, DH1 4DR

Note: Councillor Carr declared a personal interest in relation to Item (iv) below and remained in the Meeting during consideration thereof.

- (b) Notice of Outcome of Planning/Enforcement Appeals which have been lodged with the City Council
 - (i) Appeal by Mrs. M.A. Gatenby – Site at Appletree House, West Farm, South Side, Shadforth
 - (ii) Appeal by V. Cook – Land to rear of 66-82 Willowtree Avenue, Gilesgate, Durham
 - (iii) Appeal by 3R Land and Property Ltd. – Land adjacent to 19 Lawson Terrace, Durham
 - (iv) Appeal by Mr. W. Fitzsimmons – Land at Pit House Lane, Leamside, Houghton-le-Spring, Tyne and Wear
 - (v) Appeal by Mrs. J. Moodie and Mr. R. Leighton – Land rear of Goatbeck Terrace, Langley Moor, Durham, DH7 8JJ
 - (vi) Appeal by Mr. and Mrs. G. Laidman – 10 Front Street, Sherburn Hill, Durham, DH6 1PA
 - (vii) Appeal by Mr. H.E. Charlton – Land at Hagg House Farm, Pity Me, Durham, DH1 5RN

Note: Councillor Bell declared a personal interest in Item (c), Application No. 03/01149/FPA and remained in the Meeting during consideration thereof

- (c) Applications – Determined under Plenary Powers
- (d) Building Control Applications
- (e) “Called In” Applications at Dragonville

Resolved: That the reports be noted.

Note: Councillors Howarth and Wolstenholme declared a personal interest in Item (a) below and remained in the Meeting during consideration thereof.

Note: Councillor Howarth declared a personal interest in Item (b) below and remained in the Meeting during consideration thereof.

541. DECISIONS MADE BY THE COUNTY COUNCIL – FOR INFORMATION ONLY

- (a) **CM4/03/1064**
Durham County Council **Durham Blue Coat C.E. (Aided) Junior School,
Langley Road, Durham, DH1 5LP
Erection of security fencing**

The above application was considered by the Council on 25th November, 2003, when it was resolved to raise no objections.

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

- (b) **CM4/03/947**
Durham County Council **Gilesgate Primary School, Kepier Crescent, Durham,
DH1 1PH
Extension to existing car park**

The above application was considered by the Council on 24th October, 2003, when it was resolved to raise no objections.

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

Resolved: That the report be noted.

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

542. DISTRICT MATTER APPLICATIONS

Details of the following applications were considered:

- | | |
|------------------|---|
| 4/03/1205 | Proposed Park and Ride Sites at
Howlands Farm, A177 South Road, Durham
Land North East of the A1(M)/A690
Land North West of Sniperley Park, Durham |
| 4/03/1206 | |
| 4/03/1207 | |

Resolved: That no objection be offered to the County Council in respect of all three Park and Ride sites referred to in Applications 4/03/1205, 4/03/1206 and 4/03/1207 but that the County Council note the following comments:-

- That all three sites depart from the City of Durham Local Plan 1988.
- That Policy T7 of the Revised Deposit City of Durham Local Plan requires the submission of landscape assessments.
- That the provision of disabled parking provision is less than the County Council's own standards.

543. RECOMMENDATIONS ON OTHER APPLICATIONS

The Director of Environmental Services presented reports on the following applications and the following decisions were made:-

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

(a) **03/00843/FPA
Kingslodge
Developments Ltd.**

**Land to West of South Street, Durham
Erection of 5 No. dwellings with associated garages,
car parking and access**

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

- (1) TL1 - Time Limit (Full Approval)
- (2) DT4 - External Materials
- (3) DT5 - Materials Sample
- (4) DT8 - Enclosure (Details to be Agreed)
- (5) DT10 - Hardstanding/Surface Materials
- (6) DT11 - Fenestration Details
- (7) DT12 - Windows in Reveal
- (8) DT15 - Roof Details
- (9) DT18 - Schedule of Joinery Details
- (10) DT31 - Rainwater Goods
- (11) PD1 - Removal of PD (Garages)
- (12) PD2 - Removal of PD (Outbuildings)
- (13) PD3 - Removal of PD (Fences/Gates/Walls)
- (14) PD5 - Removal of PD (Satellite Antenna)
- (15) LA2 - Landscaping Scheme (Full/Reserved Matters)
- (16) LA4 - Retention of Existing Trees and Hedges
- (17) LA5 - Protection of Trees/Hedges during Construction
- (18) LB4 - Programme of Archaeological Work
- (19) - Details of the repair of existing boundary walls shall be agreed in writing with the Local Planning Authority and implemented in accordance with that agreement prior to the occupation of any property.

(b) 03/00894/FPA
Lease Direct Motor
Dealerships Ltd.

**Barmoor Service Station, Barmoor House, A167
Croxdale, Durham, DH6 5JT
Change of use from petrol filling station to use for car
sales**

Resolved: (i) That the application be **REFUSED** for the following reason:-

The use of the former petrol filling station site for vehicular sales, in a prominent countryside location, is considered to have a significant adverse effect on the character and appearance of the countryside, contrary to Policy E8 of the Revised Deposit Draft City of Durham Local Plan, incorporating the Schedule of Proposed Modifications 2003.

(ii) That authorisation be given for the issue of an Enforcement Notice requiring the removal of the unauthorised use after a period of six months.

(c) 03/01049/FPA
Mr. P. Carr

**46-48 North End, Durham
Continued use of former nursing home as student
residential hostel**

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

A supervisor shall live and work in 46 and 48 North End, Durham, whenever there are students in occupation. That supervisor shall be readily available at all times of the day and night.

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

(d) 03/01068/OUT
Mr. W. Sones

**Land East of Onslow Terrace, Langley Moor, Durham
Outline application for residential development
comprising 13 dwelling**

Resolved: That the application be **REFUSED** for the following reasons:-

- (1) The proposal, by virtue of the application site's previously undeveloped greenfield status, would run contrary to national planning policy guidance relating to new housing, as contained with PPG3 and Policy H2 of the Revised Deposit Draft City of Durham Local Plan, incorporating the Schedule of Proposed Modifications 2003.
- (2) The proposal, by virtue of its location, would constitute new housing in the countryside, outside a settlement boundary. This would be in breach of Policy E7 of the Revised Deposit Draft City of Durham Local Plan, incorporating the Schedule of Proposed Modifications 2003.

- (3) The proposal, by virtue of its location, would constitute inappropriate build development impacting upon the openness of the Durham Green Belt, contrary to national guidance contained within PPG2 and Policy E1 of the Revised Deposit Draft City of Durham Local Plan, incorporating the Schedule of Proposed Modifications 2003.

Note: Councillors Bell and Pitts declared a personal interest in the undermentioned item and remained in the Meeting during consideration thereof.

**(e) 03/01077/RM
Durham Villages
Regeneration**

**Land at Lawson Road, Bowburn, Durham
Reserved matters application in respect to the
discharge of conditions relative to siting, design and
access, as required by outline planning consent no:
4/00/672**

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

- (1) TL1 - Time Limit (Full Approval)
- (2) DT4 - External Materials
- (3) DT8 - Enclosure (Details to be Agreed)
- (4) DT10 - Hardstanding/Surface Materials
- (5) LA2 - Landscaping Scheme (Full/Reserved Matters)
- (6) LA4 - Retention of Existing Trees & Hedges
- (7) LA5 - Protection of Trees/Hedges during Construction
- (8) - No house shall be occupied until a turning head or alternative roadworks have been completed and are operational to allow a bus service to serve the application site via Lawson Road.
- (9) - No house shall be occupied until measures to overcome a potential privacy situation between Plots 35 and 36 and an existing property at 19 Oakfield Crescent have been agreed in writing with the Local Planning Authority and implemented in accordance with that agreement and bungalows shall be erected on Plots 30 to 34, the design of which shall be agreed in writing with the Local Planning Authority prior to commencement.

**(f) 03/01104/FPA
B. Evans &
C. Farnsworth**

**Barn 2, Benthouse Farm, Benthouse Lane, Durham
Change of use and conversion of agricultural
building involving rebuilding of demolished sections
and extension to form dwellinghouse and erection of
detached garage**

Following a Site Inspection by the Committee in relation to this application on 27th January, 2004, it was:

Resolved: That the application be **REFUSED** for the following reasons:-

- (1) The proposed erection of buildings in the countryside, is being larger in extent than the existing barn structure do not constitute a conversion and are not for occupation by persons employed in agriculture and are therefore considered contrary to Policies E8 and H5 of the Revised Deposit Draft Local Plan, incorporating the Schedule of Proposed Modifications 2003.
- (2) That authorisation be given for the issue of an Enforcement Notice requiring the removal of the unauthorised works within a period of six months.

(g) **03/01114/FPA**
Larches Property Ltd.

Land adjacent Finney Terrace, Durham
Erection of 13 residential apartments of between 1 and 6 bedrooms totalling 63 units, associated landscaping and highway works

Resolved: That the application be **REFUSED** for the following reasons:-

- (1) The proposed development is considered likely to have a significant adverse effect on the amenity existing residents of the locality could reasonably expect to enjoy, contrary to Policies H13, H16 and Q9 of the Revised Deposit Draft City of Durham Local Plan, Incorporating the Schedule of Proposed Modifications 2003.
- (2) The proposed development is likely to generate traffic likely to have a significant effect on the amenity of occupiers of neighbouring property, contrary to Policy T10 of the Revised Deposit Draft City of Durham Local Plan, Incorporating the Schedule of Proposed Modifications 2003.

Note: Councillor Rochford declared a prejudicial interest in the undermentioned item and withdrew from the Meeting.

(h) **03/01147/FPA**
Anderson & Young
Coachworks

Land at Anderson & Young Coachworks, Wallnook, Old Station Yard, Langley Park, Durham, DH7 9TL
Erection of 14 residential dwellings and associated roads and access

Resolved: (i) That the application be **REFUSED** for the following reason:

The proposal, by virtue of the application site's location outside any established settlement boundary, would constitute unjustified new housing in the countryside. Such development would be in conflict with Government advice contained within PPG3 and with Durham County Structure Plan Policies 4 and 14, Adopted City of Durham Local Plan Policy C10 and Policy H5 of the Revised Deposit Draft City of Durham Local Plan, incorporating the Schedule of Proposed Modifications 2003.

(ii) That an Enforcement Notice be issued in respect of the breach of planning control requiring that the dolomite be removed from the site and the land be restored to its former level and condition, by the spreading of topsoil, within a period of three months from the date the Notice takes effect.

The Meeting terminated at 7.20 p.m.

Chairman

City of Durham

At a Special Meeting of the **CABINET** held in the Town Hall, Durham, on Monday, 2nd February, 2004, at 5.30 p.m.

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

Also Present: Councillors Carr, Cowper, Crathorne, Dickie, Gill, Howarth, Hunter, Kellett, Lightley, McDonnell, Marsden, Moderate, Norman, Robinson, Rochford, Sheppard, Simmons, Smith, Taylor, Turnbull, Wolstenholme and Young.

544. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cummings, Harbron, Hawgood, Stoddart and Van Zwanenberg.

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

545. LOCAL POLICING PLAN – 2003/2004 PRESENTATION BY THE CHIEF CONSTABLE

Mr. Paul Garvin, Chief Constable and Superintendent Derek Hall, Durham Constabulary, accompanied by County Councillor Mrs. Anne Wright, Chairman of the Police Authority, attended the meeting and gave Members a Presentation on the Combined Strategy 2003/2005 and the Annual Policing Plan for 2003/2004.

After a question and answer session, the Chairman thanked the Chief Constable and Superintendent Hall for their informative Presentation.

Report of Director of Corporate Finance.

546. CONSULTATION WITH COUNCIL TAX PAYERS & NNDR REPRESENTATIVES

The Director of Corporate Finance submitted a report outlining details of the arrangements which had been put in place to ensure that the City Council consults fully with its key stakeholders, before setting the 2004/05 Council Tax.

Resolved: That the consultation arrangements be approved.

The Meeting terminated at 6.45 p.m.

Chairman

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Tuesday, 3rd February, 2004, at 5.30 p.m.

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

Also Present: Councillor Sheppard.

547. APOLOGIES FOR ABSENCE

There were no apologies for absence.

548. MINUTES

The Minutes of the Meeting held on 2nd December, 2003, were confirmed as a correct record and signed by the Chairman.

Report of Monitoring Officer.

549. PROPOSED CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

It was reported to the last Meeting of the Standards Committee that regulations under Section 82 of the Local Government Act 2000 (which made provision for the Secretary of State to issue a Code of Conduct for Local Government employees) had still not been introduced.

The Office of the Deputy Prime Minister had advised that the plans were to send out proposals for consultation in the New Year. Given that the usual consultation period was twelve weeks it was unlikely any new Code would be issued until Spring 2004 at the earliest. This timetable had now been further delayed. On 21st January, 2004, the Office of the Deputy Prime Minister had advised that the current likely date for consultation was now around the end of February.

The Office of the Deputy Prime Minister had noted the City Council's interest in the matter and had said they would ensure that the Council would receive a copy of the consultation document when it was issued.

Resolved: That the report be noted and the Monitoring Officer be asked to enquire about progress of the consultation document, prior to the next Meeting of the Committee.

550. THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Standards Board for England was holding its third Annual Conference from 13th – 14th September, 2004, at the ICC, Birmingham, at a fee of £380 per delegate and because the Conference was over two days, provision must be made for an overnight stay as well as travelling costs.

Last year, the Standards Committee took the view that the cost of attendance at the Annual Conference was prohibitive and upon receiving this year's invitation the Monitoring Officer wrote to the Standards Board pointing out it was unlikely the City Council would be able to attend given the costs involved.

The Standards Board had responded that as they had a limited budget, to hold a successful Conference for up to 700 delegates, a delegate fee was unavoidable and they believed the price of £380 was competitive. They had also taken the decision to introduce a one-day delegate fee (of £210, inclusive of VAT) for those delegates who would wish to attend but did not want to stay overnight.

The theme of the Conference was "Crack the Code" and was intended to address a number of topics including possible revisions of the Code, the role of Chief Executives and Council Leaders in promoting an ethical environment, the progress of local determinations and decisions, what could be done about poor behaviour which did not warrant a full investigation, whether the Code hindered a Member's right to communicate with his/her community and placed an onerous burden on him/her to report breaches of the Code and whether the Standards Board should be looking at whole Authorities rather than at individual behaviour.

The topics were of great interest but given the City Council's limited budget for Member training overall it was doubtful whether the costs of the Conference could be accommodated.

The view of the neighbouring Authorities had been sought.

Resolved: (i) That the City Council be requested to make the necessary funding available for one Member of the Standards Committee to attend the Conference.

(ii) That if attendance was approved, the Chairman represent the Committee at the third Annual Assembly.

**551. ETHICAL STANDARDS TRAINING
(MINUTES 226, 4th SEPTEMBER, 2003, 307, 7th OCTOBER, 2003
& 425, 2nd DECEMBER, 2003)**

At the last Meeting, Members considered a draft of a personal letter which the Chairman proposed to send to all District Councillors who were unable to attend any of the Ethical Standards Training Sessions arranged by the Monitoring Officers' Network to address the Standards Committee's obligations arising under the Local Government Act 2000, namely, to train Members on matters related to the Code of Conduct and to promote and maintain high standards of conduct. An analysis showed that thirty-five City Councillors did not attend any of the sessions. There had been a substantial response (16 out of 35) to the Chairman's letter. The response was positive and encouraging. The replies had indicated that the most common reason for non-attendance was related to a prior commitment.

The suggestions made for improvement in future were concerned with the giving of more notice, in one case a preference for daytime sessions and the suggestion that Saturdays be considered for those in full-time employment.

The Monitoring Officer would be raising the issue of when the exercise should be repeated with colleagues in neighbouring Authorities.

A letter had been sent to Parish Clerks in a similar vein and responses were awaited together with suggestions as to how training sessions for Parish Members might be made more accessible.

Resolved: That the report be noted.

552. PUBLICITY

(a) Leaflet – How to Make a Complaint

The Standards Board had issued a new guide to Making a Complaint, a copy of which had been circulated. The guide explained what things could be complained about, how to complain and what happened when a complaint had been made. The leaflet replaced the previous leaflet issued by the Standards Board entitled “Councillors Behaving Badly?”

Copies of the leaflet had been distributed to the various public reception areas of the City Council’s main offices.

(b) Communications Strategy

The Chairman had previously expressed a wish that the Council’s Public Relations Officer be asked to involve herself in the work of the Committee.

The City Council was likely to consider, in April, a County-wide Communications Strategy, which would include issues of publicity, promotion and public relations. The Strategy was timely in the light of the PRO’s recent resignation.

A further report would be brought to Members following adoption of the Communications Strategy.

(c) Local Government Chronicle

The Director of Law and Probity at Hackney Borough Council was in the process of drafting an article for the Local Government Chronicle on experience of working with the Standards Board. She had sought contributions from other Authorities and had spoken at some length to the Chairman.

When the article was published, copies would be circulated to Members.

Resolved: That the report be noted.

553. ETHICAL GOVERNANCE AUDIT (MINUTES 332(10), 26th FEBRUARY, 2002, 305, 7th OCTOBER, 2003) & 427, 2nd DECEMBER, 2003)

Following consultation with Professor Lawton of Teesside University, who had volunteered to act as an external validator of the proposed Ethical Governance Audit, the Questionnaire had been slightly amended and a copy had been circulated for Members’ information.

554. DATE OF FUTURE MEETING

The Chairman is unable to attend the scheduled Meeting of the Standards Committee on 20th July, 2004. The Meeting had been re-arranged, at the Chairman’s request, and would now take place on Wednesday, 30th June, 2004.

The Meeting terminated at 6.05 p.m.

Chairman

MINUTES OF PANELS

January / February, 2004

**555. MINUTES OF A MEETING OF THE LICENSING PANEL
HELD ON 23rd JANUARY, 2004, AT 9.00 a.m.**

Present: Councillor Smith (in the Chair)
and Councillors Atkinson, Graham, Hunter, Kellett, Kinghorn, Marsden, Sheppard,
Simmons, Turnbull, Wolstenholme and Young.

(1) Apologies for Absence

Apologies for absence had been received from Councillors Cummings, Dickie,
Hawgood and Stoddart.

(2) Minutes

The Minutes of the Meeting held on 11th December, 2003, were confirmed as a correct
record and signed by the Chairman.

Report of Director of Environmental Services

(3) Mr. W. Jukes – Licensing Hackney Carriage Driver and Proprietor

At the request of Mr. Jukes' Solicitor this matter be adjourned until Friday, 6th February,
2004, at 9.00 a.m. in the Town Hall. Members also considered a request that the matter be
heard in private but resolved to hear the matter in public.

(4) Proposed Revisions to Hackney Carriage and Private Hire Vehicle Conditions

Members were asked to review the conditions the Council attached to the issue of
Hackney Carriage and Private Hire Vehicle Licences in order to reflect changes in
technology, society and emerging or new legislation. A supplementary report was
circulated giving details of minor revisions proposed by the Durham Independent
Taxi Association.

Resolved: That Members authorise the adoption of revised conditions and Digests, as
further amended to reflect the comments made by the Taxi Association. Members also
authorised that the Chairman and Vice-Chairman be given powers to subsequently approve
the final wording of the conditions relating to vehicle spare tyres.

**(5) Local Government (Miscellaneous Provisions) Act 1982
Applications for Public Entertainment Licences for Determination**

(a) Langley Moor Hotel, 13 High Street, Langley Moor

An application had been received from John Gaunt & Partners on behalf of Mr. P.
Gunn to have a Public Entertainment Licence.

The applicant had requested Monday to Saturday 11.00 a.m. to 11.00 p.m. and Sunday
noon to 10.30 p.m.

The premises had a Public Entertainment Licence which lapsed in March, 1999. 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 61 and had
received 2 letters of objection with regards to the application, details of which had been
submitted.

The Authority had notified the Police, Environmental Health Officer and Fire Prevention
Officer and no written objections had been received.

2.

Should the Panel be minded to grant this application, it could be subject to the inclusion of the following conditions/requirements as part of the Licence as follows:-

- Provide a noise limiter set and positioned to Environmental Health Officers requirements.
- A log book to be kept on the premises to show test results on emergency lights and fire alarms.
- Standard model conditions.
- Fit 30 FBS fire door with self-closing device into opening to bar adjacent to entrance door.
- The existing fire doors to the corridor must be made self-closing and the intumescent strips and cold smoke seals replaced.
- Fit graphic exit signs to rear exit door and push pad to open sign.
- The rear exit door and side screen must be double glazed and screened to retain the sound and light and kept closed when premises are in use for this licence.
- The step in the corridor adjacent to the male WC must be painted white.
- Maximum number of persons allowed to be present in the premises at any time shall be 100.
- The rear exit door be used only as an emergency exit after 9.30 p.m. on any evening when the premises are being used for public entertainment.

Resolved: That a Public Entertainment Licence be granted to the applicant for the hours and on the conditions set out in the report.

(b) The Hogshead Public House, 58 Saddler Street, Durham City

An application had been received from John Gaunt and Partners, Solicitors, on behalf of Mr. A.P. Cooper to have a Public Entertainment Licence.

The applicant had requested Monday to Saturday, 11.00 a.m. to 12 midnight.

The premises previously had a Public Entertainment Licence when it was known as the Brewer and Firkin, the Licence lapsed in 1996. At that time the Licence was from Monday to Saturday, 11.00 a.m. to 11.00 p.m. and Sunday, 12 noon to 10.30 p.m.

The applicant had advertised the application in the local press and a public notice on the building for 21 days.

The Authority had notified local residential properties within a 150 metres radius totalling 23. The Authority had received 21 letters of objection with regards to the application.

The Authority had notified the Environmental Health Officer, Police and Fire Prevention Officer.

A report had been received from Durham Constabulary, which stated that they would offer no objection provided the Public Entertainment Licence was restricted to 12 midnight and that the Licence was for a probationary period of six months.

The Environmental Health Officer, Fire Prevention Officer and Senior Surveyor had been consulted and offered no objection providing the following items formed part of the Licence:-

- Provide a noise limiter set to Environmental Health Officers requirements.
- All windows to be fitted with double-glazing to limit noise escape.

3.

- Improve ventilation to the Environmental Health Officer's requirements.
- Fit electronic people counter and operate. This must be made available for the Police, Fire Prevention Officer and Local Authority to inspect when the premises are in use.
- Electrical Test Certificate to be provided annually.
- Confirmation that a relay is installed between the fire alarm and the artist's electric board so that an operation of fire alarm power is terminated to sound equipment.
- Log book to be kept on the premises to show test results on emergency lighting and fire alarms.
- Standard model conditions.
- Door staff to be provided when the premises are in use for this Licence and must be registered with the City Council.
- All seating fabrics must be repaired and maintained to a suitable standard.
- The steps to the rear exit must have nosings painted white.
- Gas Safety Certificate to be provided annually.
- The maximum number of persons to be permitted on the premises to be limited to 170.

Resolved: That a temporary Public Entertainment Licence be granted to the Applicant, on the conditions set out in the report, for a period of six months, the hours of operation to be:

Monday – Thursday 11.00 a.m. to 11.00 p.m.
Friday - Saturday 11.00 a.m. to 12 midnight

(c) Italian Connection (Formerly Cathedrals), Court Lane, Durham City

An application had been received from Miss G.G. Cathrae to have a Public Entertainment Licence from Monday to Wednesday, 11.00 a.m. to 11.00 p.m., Thursday to Saturday from 11.00 a.m. to 12 midnight and Sunday, 12 noon to 10.30 p.m. An overall capacity of 500 had been requested.

The premises had previously held a Public Entertainment Licence for the top floor when it was known as Cathedrals.

The applicant had advertised the application in the local press and a public notice on the building for 21 days.

The Authority had notified local properties within 150 metres radius totalling 149. The Authority had received 13 letters, 12 of which were objecting to the application and one with no adverse comments.

The Authority had notified the Environment Health Officer, Police, Fire Prevention officer and Senior Surveyor had been consulted and offered no objection providing the following form part of the Licence.

Top Floor

- The existing noise limiter to be set to the requirements of the Environmental Health Officer.
- The roof windows to be kept closed when premises are in use for this Licence.
- Maximum number of persons to be permitted on this floor to be 110.

Middle Floor

- Provide artists electric board with 13 milliamp RDC.
- Fit noise limiter to Environmental Health Officer's requirements.
- Maximum number of persons to be permitted on this floor to be 110.

4.

Ground Floor

- The existing noise limiter to be set to the requirements of the Environmental Health Officer.
- All entrance and exit doors to be fitted with acoustic seals to prevent noise escape
- Maximum number of persons to be permitted on this floor to be 200.

General Requirements

- All windows to licensed areas including roof lights to be double glazed or fitted with acoustic blinds to limit noise escape.
- Provide maintained emergency lights in each stair and all sanitary accommodation.
- Provide electrical test certificate (annual requirement).
- The power supply to sound equipment must be connected to fire alarm so that an operation of alarm or sound equipment is turned off.
- Standard model conditions with model additional conditions D, FX and GO for places of public entertainment.

Resolved: That a Public Entertainment Licence be granted to the applicant for the hours and on the conditions set out in the report.

(6) Private Security Industry Act 2001, Chapter 12

A progress report was given on the Private Security Industry Authority Act 2001 which would be implemented in the North Eastern region 6th September, 2004, when door staff would be allowed to register and by 13th December, 2004, it would become a legal requirement to be registered.

When the Act was in force in an area the Authority was not expected to visit licensed premises to purely check that door supervisors had S.I.A. Licence. However, if it was discovered during the course of an inspection or visit under other legislation that an unlicensed person was found the Authority could take action.

Resolved: That the report be noted.

(7) 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

Appeal against Refusal of Door Supervisor Registration – Mr. G.

Column 2

Director of Environmental Services

Column 3

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

(8) Appeal against Refusal of Door Supervisor Registration – Mr. G.

The appellant attended for interview.

Resolved: That subject to the production of two satisfactory references, the appeal be allowed.

The Meeting terminated at 1.25 p.m.

Chairman

**556. MINUTES OF A MEETING OF THE LICENSING PANEL
HELD ON 6th FEBRUARY, 2004, AT 9.00 a.m.**

Present: Councillor Smith (in the Chair)
and Councillors Atkinson, Dickie, Graham, Hawgood, Hunter, Kellett, Kinghorn,
Marsden, Sheppard, Simmons and Wolstenholme.

Also Present: Councillor Turnbull.

(1) Apologies for Absence

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

Report of Director of Environmental Services.

(2) Mr. W. Jukes – Licensed Hackney Carriage Driver and Proprietor

This item had been adjourned at the request of Mr. Jukes' Solicitor from the Meeting of 23rd January, 2004.

A report was given regarding the complaints received alleging an incident that took place on Tuesday, 2nd December, 2003.

Resolved: That Mr. Jukes be given a final written warning, to be placed on his record for a period of 12 months.

The Meeting terminated at 10.10 a.m.

Chairman