

COMMUNITY SERVICES COMMITTEE

21ST SEPTEMBER 2005

Report of the Acting Director of Community Services

REQUESTS FROM COMMUNITY GROUPS FOR LONG TERM LEASE ARRANGEMENTS FOR LEISURE FACILITIES

purpose of the report

1. To seek Members' approval in principle to accede to requests from community based groups for long term leases which will facilitate the preparation of bids for funding with which to undertake improvement works.

background

2. Over recent months officers have responded to requests from four community based groups who have aspirations in respect of developing the facilities at which they and their activities are based.
3. The four projects are unrelated to each other and issues at each site vary but the principles are the same. Namely, if the projects are to attract external funding the providers of the investment will require assurances that the community group in question has security of tenure for a substantial period. This is a standard requirement when funding is requested.
4. The groups in question are:
 - Tow Law Community Association
 - Hunwick Community Association
 - Henknowle Community Association
 - Glenholme Youth Club
5. As referred to earlier, whilst each group is seeking long term security of tenure at the sites they utilise, the circumstances vary as follows:

proposal

6. Tow Law Community Partnership

The partnership has aspirations to improve, upgrade and extend the facilities at Tow Law Recreation Ground. They have successfully submitted a bid to Durham County Council's Community Project Development Fund for £7,500 of funding with which to undertake feasibility study work. If the feasibility study demonstrates that the project is not feasible - or even if it is feasible, but the community group cannot raise the funding to take the project forward, they will not be required to repay the £7,500 provided by the Community Project Development Fund of Durham County Council - provided that they can demonstrate they had long term security of tenure at the site when they undertook the feasibility study work.

It is not necessary for this Council to grant the lease at this time. It is sufficient for the Council to formally agree in principle that, should the community group establish that their plans are feasible, and can subsequently raise the necessary funds with which to deliver the project, they will grant a long term lease.

When the Council purchased the existing football pitch in 1988 the National Coal Board imposed a restrictive covenant that the land should be used only for playing field purposes. The Head of Legal Services advises that this restriction means that the land should be used for public playing fields. Any lease would be on the basis that the land is transferred subject to these covenants. If the Community Association proposes to enter into partnership with Tow Law Football Club to build a new football ground on the land, this will ostensibly be a private club and the release of the restrictive covenant contained in the 1998 conveyance will have to be negotiated with the National Coal Board.

Attached at Annex 1 is a letter from Tow Law Community Partnership requesting the granting of a lease.

7. Hunwick Recreation Ground

Hunwick Community Association has similarly written to the Council outlining their aspirations (see Annex 2). They have also successfully applied for Community Project Development Fund feasibility study funding - with the same conditions attached as set out above. No transfer of the freehold is sought.

Part of Hunwick Recreation Ground is subject to restrictive covenants that the land be used for recreational purposes only and not to erect thereon any buildings or other structures. Any lease would be made subject to this restrictive covenant. Furthermore, I would assume that the recreation ground was envisaged by Hepworths to be used for public recreation. If the ground is to be let to the Hunwick Cricket Club as a private club, the consent of Hepworth's may also be required.

8. Henknowle Community Association

Members will be familiar with the facilities at Henknowle Recreation Ground. Specifically, the pavilion which serves the former bowling green (now used as a croquet lawn) and the football pitch has been the subject of an approach from the Community Association who are seeking to take over the management, insurance, maintenance and cleaning of the pavilion. It is their view that they will be able to attract funding with which to repair and redecorate the pavilion. Such funding would not be available to the Council.

The granting of a long term lease would enable the two community based groups to apply for funding support. Again, it is not necessary to provide a lease immediately. It is sufficient to commit in principle to the offering of a lease. Such a decision in principle would be sufficient should the project make progress to the point of submitting funding applications.

Henknowle Recreation Ground appears to have been purchased under our housing powers and therefore any disposal must be made in accordance with our housing powers under the Housing Act 1985. This requires that housing land must generally be disposed for the best price unless it is for a purpose contained in the General Consents Order issued by the Secretary of State. The General Consents for the disposal of Part II land (i.e., land purchased for housing purposes) provides that a local authority may grant a lease for any duration held for the purpose of Part II for a consideration determined by the authority where land is to be used for a purpose other than housing accommodation which does not involve trading for profit and is beneficial to persons, the majority of whom the authority expects to be inhabitants of the estate or neighbourhood in which the land is situated. The Head of Legal Services believes that the land in question is part of Henknowle Estate and therefore the disposal must be to an organisation not trading at a profit and is beneficial to the residents of Henknowle Housing Estate, St. Andrew's Road, etc. The Henknowle Community Association fulfils this criteria and the proposal will continue to benefit the residents of the housing estate.

9. Glenholme Young People's Club

Members will be aware that the Young People's (previously Boys) Club building is owned by the National Association of Young People's Clubs but that the building is located on land owned by the Council on the basis of a peppercorn rent. This lease expires in October 2005. The club has requested an extension of the lease in order to give them encouragement to devote/raise funds with which to undertake remedial works to both the fabric and decoration of the building. They are obviously reluctant to do so without continued security of tenure on the land.

other considerations

10. Both the Tow Law and Hunwick sites have previously received grant aid from English Partnerships with which to undertake works of improvement as follows:

Hunwick	£450,000 in 1995
Tow Law	£ 17,250 in 1996

11. It may be necessary for some of these sums to be repaid ("clawback") if further works are undertaken. This is considered unlikely but One North East, as the current responsible body has been contacted by officers of the Council to clarify the situation.

financial implications

12. There are no financial implications arising from assisting the groups in the manner implied other than the obvious restrictions placed on the Council vis a vis the use of the land/premises in question if a lease is offered. There are even greater implications if Members were minded to transfer the freehold at Tow Law as requested in their letter. Potentially there are revenue savings for the Council if the responsibility for repairs, maintenance, insurance, etc., of relevant buildings transfers to community groups.

crime and disorder implications

13. There is no doubt that the work of the community groups concerned and the continued availability of the premises and buildings used by them are vital components of community provision. The Young People's Club in Crook and the recreation ground and its facilities at Tow Law particularly provide diversionary activities for young people. This applies also at Henknowle and Hunwick where, arguably, the specific interests of clubs catering for adult participants mean that the facilities are essential to the local communities.
14. Assisting these community groups to continue their work at these sites - and in some cases to extend and improve them will have very direct and positive implications in terms of community cohesion.

- RECOMMENDED**
- (i) that Members approve in principle the granting of a 20 year lease to Tow Law Community Partnership in respect of the land and facilities at Tow Law Recreation Ground subject to the partnership raising the funding required to undertake the developmental works outlined in discussions with officers of the Council and subject to the "clawback" situation regarding grants previously received in respect of the site.
 - (ii) that Members approve in principle the granting of a 20 year lease to Hunwick Community Partnership in respect of the land and facilities at Hunwick Recreation Ground subject to the partnership raising the funding required to undertake the developmental works outlined in discussions with officers of the Council and subject to the "clawback" situation regarding grants previously received in respect of the site.
 - (iii) that Members approve in principle the granting of a 20 year lease to Henknowle Community Partnership in respect of the land and facilities at Henknowle Recreation Ground subject to the partnership raising the funding required to undertake the developmental works outlined in discussions with officers of the Council.
 - (iv) that Members approve an extension to the ground lease to Glenholme Young People's Club at a peppercorn rent, the duration of the lease to be the subject of negotiation.
 - (v) that in the event of agreement being reached with the organisations referred to in the report the Head of Legal Services be requested to prepare the relevant leases if appropriate.

Officer responsible for the report
Max Coleby
Acting Director of Community Services
Ext. 218

Author of the report
Max Coleby
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TOW LAW COMMUNITY PARTNERSHIP

**TOW LAW COMMUNITY CENTRE
DANS CASTLE
TOW LAW
CO DURHAM DL13 4AY
Chairman: MRS J FLYNN TEL 01388 730525
Worker Mrs Diane Pearson tel 01388 731444**

Max Coleby,
Wear Valley District Council,
Civic Centre,
Crook
Co. Durham

30th June 2005

Dear Max

Feasibility Study Tow Law Recreation Facilities

I refer to the meeting that was held on the 16th June when we discussed the conditions attached to the grant offer from CPDF.

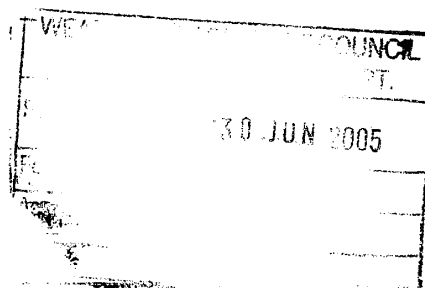
It is a term of the grant that, if a feasible project is identified by the consultant for the development of the recreation ground, an appropriate community group must be identified to take it forward and the recreation ground will have to be leased or transferred to that group by the District Council. Could you please make the appropriate enquiry of the Council to confirm that this course of action would be possible and that they would in principle be agreeable to granting a lease of at least 10 – 15 years or even transferring the freehold if that became necessary.

I await hearing from you.

Yours sincerely,

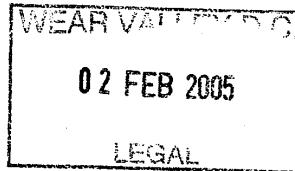


Mrs J Flynn



Hunwick Community Association

The Vicarage
Hunwick
Crook
Co. Durham DL15 0JU
Telephone: 01388 661273
Telephone: 01388 604456



1st February 2005.

Dear Mrs Prest

Re: '106 Money' for Recreational purposes - Hunwick

As you may be aware there is a substantial amount of '106 ' money from the recent developments in Hunwick set aside for recreational purposes in the Village.

At a recent Community Association meeting it was decided to consult the villagers to discern the recreational needs of the population. It is suggested that the present recreation ground could be improved to provide better facilities; some of the options are:

- BMX track
- Upgrade of Cricket pitch facilities
- Wildlife area
- Forestry Walk
- Picnic area

We intend to apply to the Community Project Development Fund for a grant towards the consultation and eventual feasibility study. One of the conditions to be met is that we have the permission of the Landlord to develop the proposed site. As WVDC is the landlord we would naturally keep you informed of the result of the consultation/feasibility study and I should be grateful if you would give written confirmation that you have no objection to proposed developments.

Yours sincerely,

A. Stewart Irwin.

Fr. Stewart Irwin.
Chairman, Hunwick Community Association.

Mrs C Prest,
Head of Legal Services
Civic Centre,
Crook,
Co. Durham.

COMMUNITY SERVICES COMMITTEE

21ST SEPTEMBER 2005

Report of the Acting Director of Community Services **SPECTRUM LEISURE COMPLEX, WILLINGTON**

purpose of the report

1. To report to Members the progress of the transfer of the management responsibility for Spectrum Leisure Complex from Wear Valley District Council to Spectrum Leisure and Management (SLAM) and to seek approval to a variation in those arrangements previously approved by Members.

background

2. In response to increasing pressures on the revenue budget of the Council, proposals directed at reducing the cost of subsidising the Council's leisure facilities have been progressively introduced and actioned. One such proposal was to transfer the management of Spectrum Leisure Complex to a community based enterprise led by Wear Valley Basketball Club, Spectrum Leisure and Management (SLAM). In simple terms, the intention was to transfer the custodian and management Trusteeship held by this Council to SLAM. Again, in simple terms, this would have transferred the "ownership" of the facilities in addition to the management responsibilities. A number of reports have been considered by Members in this regard.
3. The original intention was that the transfer would have taken effect from 1st April 2005 although it was generally accepted that this was slightly ambitious. A number of exchanges of correspondence and telephone conversations have taken place between officers (principally the Acting Director of Community Services and the Head of Legal Services) of Wear Valley District Council and officers of the Coal Industry Social Welfare Organisation (CISWO). Despite good will on both sides the transfer has not, to date, been approved by CISWO and so, on 25th August 2005, the Acting Director of Community Services, the Head of Legal Services and the Chair of the Community Services Committee travelled to the headquarters of CISWO in Rotherham and had a very productive meeting with the Chief Executive of CISWO.

revised proposals

4. As a consequence of the meeting of 25th August 2005 between Wear Valley District Council and CISWO a letter has now been received from the Chief Executive of CISWO which very accurately summarised the discussions. The following extract from the CISWO letter reflects the proposed variation to the transfer arrangements.

"The method of achieving what is required to date has been confined to simply transferring the Trusteeship from the local authority to the newly established company limited by guarantee with dual registration (Companies House/Charity Commission). While this may succeed in removing the local authority from any responsibility, if that is what is required, there are potentially associated problems. I have sadly seen occasions when this structure has been utilised only for the new community charity to get into financial difficulties and through indebtedness the facility has to be sold and is therefore totally lost.

A preferred option to consider may be for the local authority as Trustee to grant a lease. This has certain specific advantages in that the local authority technically retain control as they retain the land. They can also determine how the income from the Endowment Fund can be applied through an annual grant. For example it could be conditional that this grant must be used in the first instance to help defer all insurance requirements. The Trustee, as freeholder, would also be able to stipulate in the lease that landlord's consents would be required for any change of use, hiring or sub-letting. The local authority as Trustee could therefore ensure that nothing was done that would threaten the Charity's status.

A lease of say 21 years would not be regarded by the Charity Commission as a disposition and would be of sufficient length for most external funding bodies in terms of security of tenure for any grant aid sought. The rental could be a peppercorn as this would be a lease from one Charity to another with the tenant Charity helping to fulfil the landlord Charity's charitable objectives. In addition the lease could be constructed so that it could be surrendered but not assigned without landlord's consent.

A leasing arrangement may also be seen as preferable by the company in that while they would have the total responsibility for the day-to-day management and development of the facility, the local authority would still be there in the background, in their capacity as Trustee."

5. This proposal was agreed as an appropriate way forward. It would:
- Achieve the Council's objects of preserving the availability of the facilities to the community - thereby discharging its responsibilities as Landlord Trustees whilst also easing the financial burden to the Council arising from the provision of leisure facilities.
 - Meet the aspirations of SLAM in that they would have the flexibility and freedom to manage the facilities as they wish but with a requirement to meet the Landlord Trustees' (Wear Valley District Council) objectives.
 - Secure the full support of CISWO (and thereby the Charity Commission). This support is set out in the letter from CISWO as follows; dependent on Wear Valley District Council accepting the proposals set out above:

"You may therefore take this letter as an agreement in principle that I am supportive of what the interested parties are trying to achieve but formal consent will have to await how structurally it is proposed to proceed. However, you and your colleagues can take comfort from the fact that I am in general terms supportive."

next steps

6. If Members endorse the provisional agreement obtained with CISWO the proposal will need further endorsement by the Spectrum Complex Trustees. To this end a meeting is being arranged to take place as soon as possible following the meeting of this Community Service Committee.

financial implications

7. The annual revenue cost to Wear Valley District Council of operating Spectrum Leisure Complex will be totally removed when the transfer to SLAM is achieved.

human resource implications

8. Staff currently employed by Wear Valley District Council will transfer to SLAM and/or be offered employment at other leisure facilities of Wear Valley District Council.

- RECOMMENDED**
- (i) that Members endorse the principal of a 21 year lease to SLAM in respect of the management function of Spectrum Leisure Complex.
 - (ii) that a report be submitted to the Managing Trustees for their endorsement of the proposals.
 - (iii) that officers liaise with CISWO to finalise the arrangements.
 - (iv) that if such approval is given by the Managing Trustees, the Head of Legal Services be authorised to proceed to negotiate the terms of the lease.

Officer responsible for the report
Max Coleby
Acting Director of Community Services
Ext. 218

Author of the report
Max Coleby
Acting Director of Community Services
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COMMUNITY SERVICES COMMITTEE

21ST SEPTEMBER 2005

Report of the Acting Director of Community Services
ALTERNATIVE INSPECTION STRATEGY FOR FOOD PREMISES

purpose of the report

1. To seek Members' approval to adopt an alternative inspection strategy for food premises.

background

2. Local authorities are required to inspect premises preparing or supplying food for human consumption. The frequency of the inspection depends upon the risk that individual premises pose to public health. This risk is assessed by means of an inspection by Environmental Health Officers who score different aspects of the business in accordance with Codes of Practice issued by the Food Standards Agency.
3. The resulting score determines how often the premises are inspected. Those which pose the greatest risk are currently inspected every six months and those with the lowest risk every five years. There is no element of discretion in the current regime and the Council must comply with the Code of Practice.

proposal

4. From 1st January 2006 new food safety regulations will come into force which place new requirements on all food premises. These include two significant changes which are designed to reduce the risk of infection from food produced and supplied to the public.
5. The first change is to require all premises to carry out a hazard analysis and put in place appropriate controls. Further they must keep appropriate records to demonstrate that they have carried out those controls. Secondly, improved training of food handlers is required, particularly those responsible for carrying out the hazard analysis.
6. These controls are very similar to the requirements currently placed on butchers' premises. Butchers' premises are required to be licensed on an annual basis for payment of a fee of £100. In order to receive the licence each premise must be inspected and demonstrate compliance with those two requirements. These licences are normally issued from 1st November each year.

7. As the requirements for other premises are now similar to the requirements for butchers, the legislation removes the requirement for butchers to be licensed each year. Because the new regulations come into effect only two months after the normal licence period, regulations have been implemented which extend the current licences until 31st December. This will result in a loss of income to the Council of £1,200 for this financial year.

implications for the inspection regime

8. As a result of the greater requirements placed on food businesses, the Food Standards Agency considers that the risk of infection to the public will be lowered. It has, therefore, amended the relevant Codes of Practice which outline the inspection regime.
9. From 1st January 2006 the scoring system will be amended and inspection frequency will range from every six months to every two years. However, those premises which pose the lowest risk of infection do not require a full inspection provided they have in place an alternative inspection strategy. Examples of the premises likely to fall into this category include fruiterers and premises selling pre-packed food such as sweets and canned goods.
10. Alternative strategies could include:
- Inspecting a random sample of food premises each year.
 - Using officers other than Environmental Health Officers to carry out inspections.
 - Allowing the premises to carry out self assessments which are returned to the Council.

proposal

11. It is proposed that for 2006/07 an alternative inspection strategy be adopted. This will allow more time to be spent by officers dealing with the higher risk premises and to provide more advice to proprietors.

- RECOMMENDED**
- (i) that Members note the loss of income of £1,200 due to the changes in the licensing of butchers' premises.
 - (ii) that Members authorise officers to implement an alternative inspection strategy for food premises with a view to bringing forward a further report for approval by Committee.

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COMMUNITY SERVICES COMMITTEE

21ST SEPTEMBER 2005

Report of the Acting Director of Community Services **PUBLIC CONVENIENCES**

purpose of the report

1. To advise Members of variations to previously agreed arrangements for the future provision of public conveniences throughout the District.

background

2. Members will be aware that a capital award of £350,000 for 2005/06 was approved for the Community Services Department with a view to upgrading the provision of public toilets throughout the District. It has previously been agreed that the following were the best options for each public toilet.
3. Edmundbyers - This public convenience is in poor condition and does not meet DDA legislation and would be expensive to adapt. There is a requirement to provide a facility at this location as it is used during the summer months by tourists to the area. It is therefore proposed to provide a single unisex accessible toilet unit.
4. Wearhead - This public convenience is in reasonable condition and requires a small amount of work to signage and adaptations to be DDA compliant. This work will be carried out as part of the existing DDA improvement programme by the Council's Facilities Manager.
5. St. John's Chapel - This public convenience is in poor condition and does not comply with DDA legislation and would be expensive to adapt. There are two other accessible toilets within the nearby location at the Town Hall and Barrington Rooms. It is proposed to liaise with the above two organisations with regard to them allowing access to individuals who need to utilise an accessible toilet facility. If this is acceptable then an appropriate sign would be placed at the entrance to the public conveniences informing individuals of other available accessible toilets.
6. Daddry Shield - This toilet is in a poor condition and does not meet the requirements of DDA legislation. The facility is not well used and it is therefore proposed to demolish.

7. Stanhope West End - The toilet is currently closed due to extensive vandalism and is not in good condition. It does not meet the requirements of DDA legislation. There is a need to provide a suitable public convenience in this area as the recreation ground is well used during the summer months. It is therefore proposed to provide a single unisex accessible toilet unit.
8. Stanhope Durham Dales Centre - Generally this public convenience is accessible and will only require some adaptations to be DDA compliant. This will be carried out as part of the existing DDA action plan.
9. Wolsingham - This public convenience is in poor condition and does not meet DDA legislation and would be expensive to adapt. There is a requirement to provide a facility at this location within the recreation ground as it is extensively used during both summer and winter months. It is therefore proposed to provide a single unisex accessible toilet unit.
10. Willington Lido - This toilet is in poor condition and does not meet DDA legislation and would be expensive to adapt. Significant investment has recently gone into Willington Lido and the war memorial in the region of £½m. This area is busy in the summer which will increase due to the recent investment. It is proposed therefore to provide a single unisex accessible toilet unit at this location.
11. Escomb - There is a male and female toilet at Escomb. The male toilet is closed due to vandalism although this is in the process of being repaired. The main users of the public conveniences in Escomb are visitors to the Saxon Church of which there are approximately 5,000 - 6,000 per year. The warden at the church has the key for the toilets to allow access when required. The toilets are in poor condition and do not meet the requirements of DDA legislation. It is proposed to convert and modify the ladies public convenience to comply with DDA legislation and provide a unisex accessible toilet the cost of which will be approximately £7,000.
12. Bishop Auckland Bus Station - This facility, with a small amount of work, could provide accessible provision. The main problem is the building is in extremely poor condition and would need extensive modernisation to bring it up to an acceptable standard. The facility is well used, located in the bus station next to Newgate Centre. It is therefore proposed to replace with a new three unit accessible toilet facility.

variations

st. john's chapel

13. At the time of the previous report it was hoped that toilets conforming to DDA legislation may be utilised at the nearby Town Hall and/or Barrington Rooms. Investigation following the previous report has revealed that the two aforementioned locations are not suitable to be utilised as accessible toilets due to their restricted opening hours.
14. It is proposed therefore that the existing facility be demolished and replaced with a single unisex accessible toilet.

escomb

15. There is a male and female toilet at Escomb. The male toilet is closed due to constant vandalism and the female toilet utilised as a unisex. The female toilet is locked throughout the year, however, provision of a key has been given to the adjacent church members who open the female toilet for visitors to Escomb Saxon Church.
16. There is currently an application from a resident who lives to the side and above the public convenience to purchase the said toilet outright. Officers are currently evaluating this application and investigating the possibility of a replacement toilet being provided in the vicinity should the current facility be sold. Should the sale of the current facility be prudent and a location found for a replacement, it is envisaged that a single unisex accessible toilet be provided at the site at a cost of approximately £40,000.

bishop auckland bus station

17. This facility, with a small amount of work, could provide accessible provision. The main problem is the building is in extremely poor condition and would need extensive modernisation to bring it to an acceptable standard. It was proposed therefore in the previous report, to replace the existing facility with a new three unit accessible toilet.
18. It has been brought to officers' attention however, that a planning application is to be forwarded to the authority shortly to expand the current Newgate Centre outwards towards the bus station necessitating the demolition of any toilet facility at the current location. Consultation with the Director of Regeneration has revealed that this may be a 2 - 4 year process. Should the application be approved it would not prove financially viable to provide such an extensive toilet facility at an approximate cost of £80,000 given that it may only be utilised for a maximum of four years. The alternative, therefore, may be to refurbish the existing facility with a view to providing satisfactory toilet provision over the next few years.

RECOMMENDED that Members approve the replacement facility at St. John's Chapel and authorise officers to investigate the feasibility of the proposals for Escomb and Bishop Auckland Bus Station.

Officer responsible for the report
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Author of the report
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COMMUNITY SERVICES COMMITTEE

21ST SEPTEMBER 2005

Report of the Acting Director of Community Services **LAND AT WESTGATE**

purpose of the report

1. To consider a request for disposal of land at Westgate to Stanhope Parish Council.

background

2. Members will recall from the report on play areas (equipment) (2nd June 2004) that Stanhope Parish Council requested to take over the responsibility for play areas at Cowshill, Crawleyside, Daddry Shield, Eastgate, Westgate and Stanhope (Bondisle).
3. In this context Stanhope Parish Council has responsibility at Westgate, for the equipment only marked on the plan attached at Annex 3 - an area of approximately 40²m. The Parish Council has advised us that a playground committee has been formed at Westgate which is raising funds to develop the whole site with new equipment (see plan at Annex 4) which is an area of 2240²m. The transfer of the play area site would include all responsibilities for future maintenance to ground and boundaries.

legal implications

4. The area is subject to a National Playing Fields Association covenant that its use be restricted to play area.
5. At the closing date of the open space advertisement on 4th August 2005 no objections were received.
6. Land should be sold for the best consideration reasonably obtainable. However, there are circumstances where the Council can dispose of its assets at an undervalue where it is satisfied that such disposal will secure the promotion or improvement of the economic, social or environmental well-being of its area. It is considered in these circumstances that its objectives are being met and therefore the Council may sell the land at a nominal consideration.

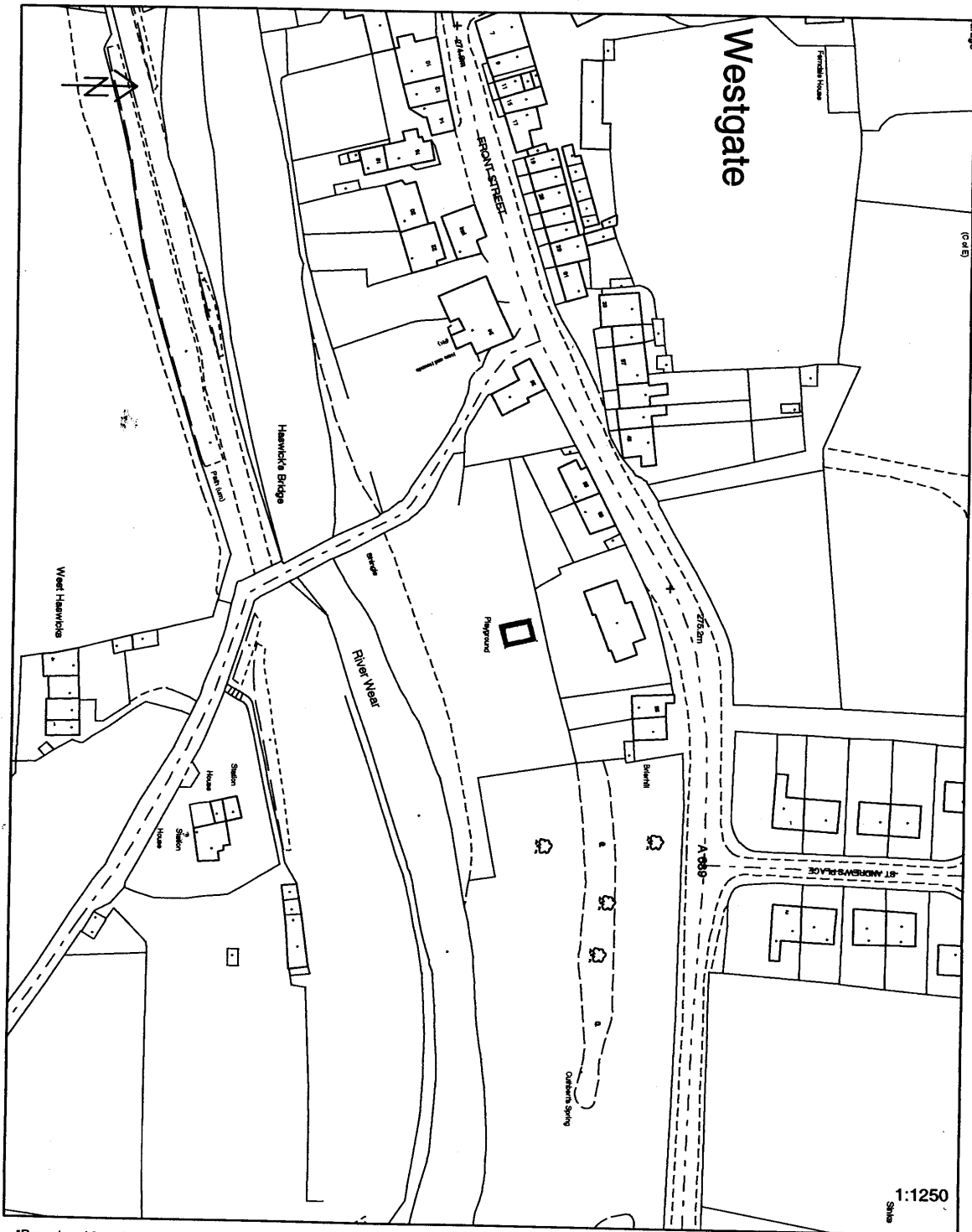
conclusion

7. Given that the Parish Council is responsible for the playground as indicated at Annex 3, it is considered appropriate for them to take responsibility for the whole of the area in which the playground is located. In addition to providing them with the flexibility to further develop the play and recreation opportunity at the site it also transfers to the Parish Council responsibility for the maintenance of the site and its boundaries.

RECOMMENDED that Members approve the request of Stanhope Parish Council to transfer the land in question from Wear Valley District Council to the Parish Council.

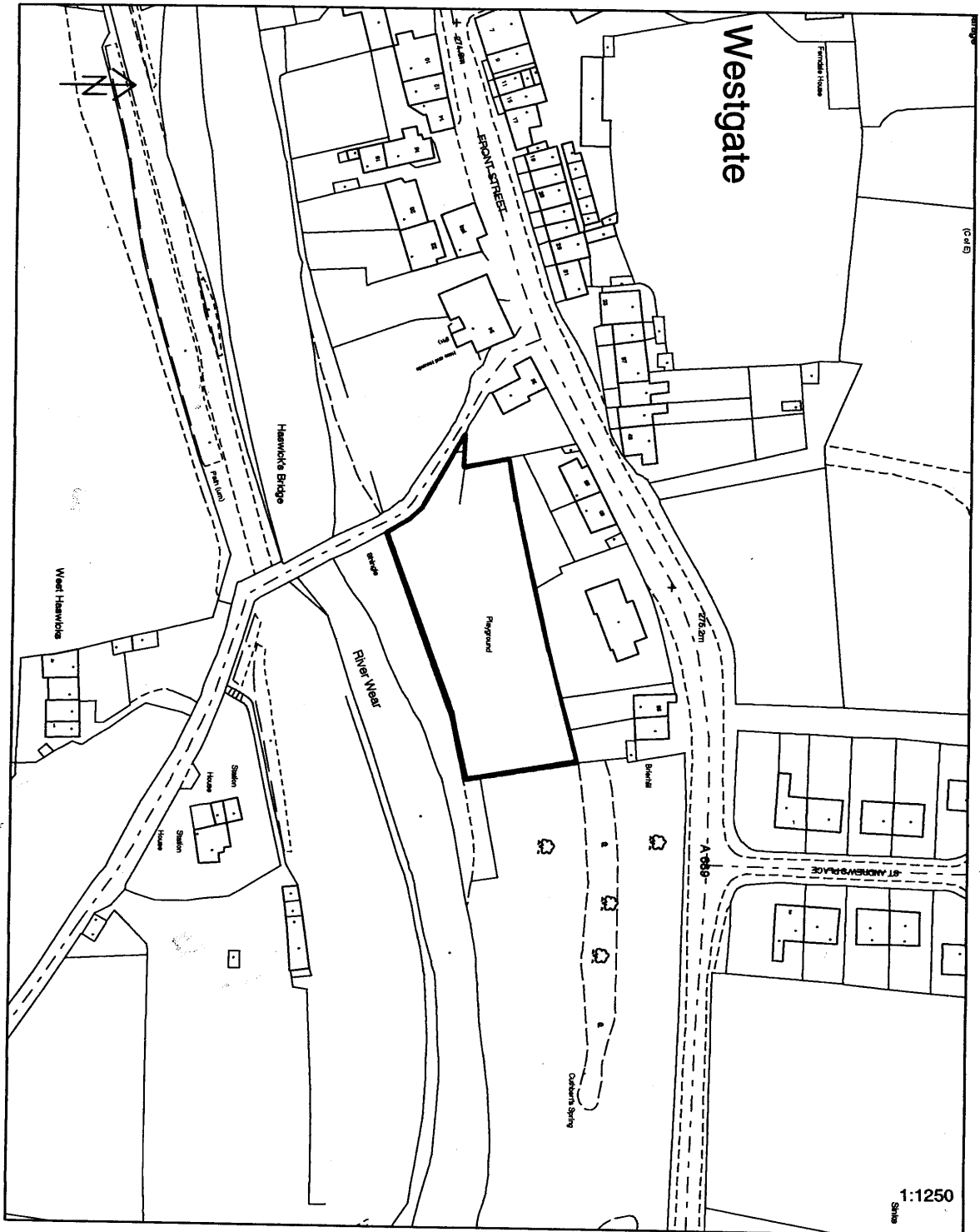
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COMMUNITY SERVICES COMMITTEE

21ST SEPTEMBER 2005

Report of the Acting Director of Community Services **INCREASED STATUTORY RECYCLING TARGETS**

purpose of the report

1. To advise Members of the increase in the statutory recycling targets determined by central government and to propose preferred methods for Wear Valley District Council to meet the target(s).

background

2. Members will be aware that statutory recycling targets came into force several years ago obligating local authorities to divert waste away from landfill and to recycle more. An initial 10% target was introduced for the years 2003/04 and 2004/05. Wear Valley District Council achieved these targets and indeed improved recycling performance, achieving a recycling percentage of 11½% during 2004/05.
3. For 2005/06 however, a new recycling target of 18% has been issued. It is anticipated that the continuation of the current green box recycling scheme working in conjunction with the garden waste collection scheme recently implemented, will divert approximately 15% of waste away from landfill. To achieve the additional 3% required Wear Valley District Council will have to divert a number of refuse collection vehicles each week from their normal disposal point of Todhills Landfill Site at Willington to the Thornley Aerobic Digestion Plant near Easington. In this manner it is expected that the 18% will be achieved, however, it has become apparent that Wear Valley District Council's recycling strategy has to be reviewed in the light of a further increase in statutory targets to 25% in the year 2010. Furthermore, in approximately two years the vehicles currently utilised on the green box recycling scheme will be coming to the end of their useful life. At this point a decision will be necessary as to whether similar vehicles are again purchased or the authority takes a different approach to how it is to achieve the 25% recycling target.

proposed option

4. There are various options to increase recycling in the short to medium term, i.e., expand current garden waste collection scheme District-wide. However, any option adopted will incur significant capital costs.

5. Initial investigation by officers has determined that the most appropriate method to achieve future recycling targets is that of the alternate week collection method. In this regard each property throughout the District will receive an additional wheeled bin. The current grey wheeled bin will be utilised for those wastes that are not suitable for recycling, i.e., kitchen waste. The additional green wheeled bin (green is a colour associated with wheeled bin recycling) will be utilised for all those elements of the waste which can be recycled, i.e., paper, cardboard and possibly plastic. Each bin will then be presented by the householder on alternate weeks. Therefore the current collection vehicle on week 1 will take waste to landfill whilst on week 2 deliver its contents direct to a materials recycling facility.
6. Initial investigation of those authorities who have already implemented such a scheme have revealed that a recycling target of 30% or more can be achieved by this method with the probability of no increased revenue costs.

RECOMMENDED that Members authorise officers to further progress investigation into the feasibility of the implementation of an alternate week collection method in Wear Valley.

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COMMUNITY SERVICES COMMITTEE

21ST SEPTEMBER 2005

Report of the Acting Director of Community Services **HOWDEN-LE-WEAR ALLOTMENTS**

purpose of the report

1. To seek Members' approval for proposed actions in respect of Howden-le-Wear Allotments and the notice to vacate the site served on this Council.

background

2. Members will recall a previous report on 10th November 2004. The Council was issued a Notice to Quit the Howden-le-Wear allotment site which it had leased for many years to be enforced by 29th September 2005. In turn the Council carried out its responsibilities and issued Notice to Quit to allotment tenants. This resulted in some extremely strong feelings from the tenants, some of whom had been gardening on the site for more than 40 years.
3. At that time we did not know the owners' full intentions and therefore the Council wrote to the landowners' agents, Nicholson and Weston, to request that they withdraw the Notice to Quit or consider the Council acquiring the land. We conducted a search for a suitable alternative site and concluded that there was no other land in the Council's ownership that could be made available in the locality. It was therefore resolved to:
 - Enter into negotiations with the owners' agents
 - Including looking at site rationalisation
 - Site requisition
 - That a Compulsory Purchase Order may need to be considered as a last resort.
4. In a previous report dated 16th March 2005 Members were advised of negotiations with owners' agents during which they indicated that they would not withdraw their Notice to Quit and in fact this Council had received a planning application to build 41 dwellings on the site. The agents, Nicholson and Weston, offered an alternative site out of the settlement limits of Howden-le-Wear on the A689 for lease and asked for consideration.
5. It was resolved to:
 - Undertake feasibility into the transfer to the alternative site.
 - To further contact Durham County Council to enquire if land set aside for the Howden-le-Wear bypass could be made available for the purpose of the allotments.

6. The feasibility study was undertaken and concluded that:
 - Enough space is available on the alternative site and although the move is physically possible the Council was unable to undertake proper ground tests, i.e., soil samples, as the cost of this work was quoted at £4,000. However, the access to the site was considered unsuitable. Durham County Council has said that they would not recommend approval for access from the A689 which, as a deregulated road, has a 60mph speed limit at this point.
7. The Regeneration Department consulted with Community Services in the planning process for the application by George Wimpey Ltd. A memorandum was sent to the Regeneration Department outlining the concerns of the Community Services Department as the allotment authority and the representations that had been made to officers and members by the allotment gardeners of Howden-le-Wear.
8. The following communications have taken place between the Council's Legal Section and Nicholson and Weston.
 - Letter confirming the need to vacate the site and remove all structures and fences from Nicholson and Weston
 - Letter from the Council to Nicholson and Weston asking for approval to remain on site given that the planning application has not yet been resolved.
 - Further letter from Nicholson and Weston confirming the notice to vacate the site by 29th September.
 - Further letter from the Council pressing Nicholson and Weston to extend until alternative arrangements can be made.
9. In terms of the planning application, the developer would have to find a suitable alternative. However, at this time the planning application has not been determined.

In order to comply with the notice to vacate the site it is necessary to:

- Communicate to allotment tenants to remove structures from the site.
 - Arrange for necessary removal of sheds, etc.
 - Need to arrange for security if necessary
 - Need to engage with communications officer/Health and Safety Officer.
10. At present the following options are being considered:
 - Possible purchase of Jubilee Park by the Council and the relocation of the allotment provision to the park.
 - Relocate the allotments to land adjacent to the existing allotment site owned by Durham County Council.
 - Compulsory purchase (CPO) of the existing allotment site by this Council.

11. Of the above options the Jubilee Park proposal is preferred. However, reaching a conclusion regarding this matter is unlikely to be achieved before the 29th September 2005 deadline. Therefore, the allotments would close on that date unless an extension can be negotiated with the owners' representatives.

financial implication

12. Land at Jubilee Park, if available to purchase, would need to be valued. The Council has £86,568 Section 106 money available from developments in Howden-le-Wear for a mixture of uses under off site recreation. It would be necessary to consult with the community to acquire Jubilee Park for the residents of Howden-le-Wear of which the relocation of allotments could form part of the scheme.

RECOMMENDED that Members endorse officers' actions to date and authorise them to continue negotiations with the owners' representatives in order to enable an ordered resolution to the issue.

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