



## CENTRAL RESOURCES COMMITTEE

28 SEPTEMBER 2005

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Report of the Asset Management Group

### **LAND ADJACENT TO 8 HIGH WEST ROAD CROOK**

#### **purpose of the report**

1. The consideration of a request received from the owner of 8 High West Road, Crook to purchase the above land.

#### **background**

2. A request to purchase the land hatched black on the plan at Annex A has been received from Mr. B. M. Hall of 8 High West Road Crook. He advises that land at the side of his house, already in his ownership, is unused due to the unusual shape and if allowed to purchase the land he proposes to straighten his fence to enable the additional space to be used for the parking of his car or company vehicle.

#### **consultations**

3. The Acting Director of Community Services offers no objection of a technical nature to the sale of the land.
4. The Director of Regeneration advises in principle he has no objection to the land being sold. Confirms that planning permission will be required for change of use from open space to garden land/car parking but feels the highway authority may require facility for vehicles to turn within the site so they can exit in forward gear.

#### **author's comments**

5. As this parcel of land is open space a notice, in accordance with Sections 122/123 of the Local Government Act 1972, under which the Council is obliged to give notice and consider any objections to the proposed disposal of land, was inserted in the local press.
6. This exercise resulted in one letter being received, and the grounds given for the objection are as follows:
  - a) The provision of the open space was a policy of the original builders of the estate and should be maintained for all future residents.

- b) The disposal of even a small part of this open space would create a precedent which could be quoted in the future and could result in the loss of all of the open space areas in this area.
  - c) The disposal of any open space would result in the loss of a visual amenity to the residents and could also result in the removing of ancient trees which have been part of the landscape for many years.
  - d) The disposal of open spaces could result in the loss of many pedestrian routes which are extensively used by the public both for leisure and convenience.
7. It is accepted that the original developers exercised care in retaining large areas of open space for the enjoyment of residents and the Council take care to ensure that important areas of open space are protected and do not allow owners to encroach onto these areas.
8. The parcel of land which the applicant wishes to purchase to enable him to straighten his boundary does not contain any trees and as there is a generous amount of open space in the vicinity through which a footpath passes it is felt that the loss of this small piece of open space land would not be harmful, nor be a loss of a visual amenity.
9. Furthermore as each request to purchase land is considered on its own merits no precedent would be created for the future if this request was approved.

**conclusion**

10. If after considering the report Members are of the opinion that the request should be approved I would recommend that the sale to Mr. Hall should be subject to the following terms and conditions:
- a) Valuation to be agreed with, or given by, the District Valuer.
  - b) Applicant to be responsible for the erection and future maintenance of boundary structure.
  - c) Applicant to obtain planning permission for change of use of the land from open space to garden/car parking and erection of boundary structure.
  - d) Applicant to be responsible for the Council's legal and valuation costs.
11. However, in line with the Council's policy of public speaking at this Committee the Applicant and the Objector have been invited to attend this meeting to afford them the opportunity to present their respective cases to you.

12. Members' instructions are requested.

**background documents**

File Number 81447

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**Officer responsible for the report**

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## CENTRAL RESOURCES COMMITTEE

28 SEPTEMBER 2005

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Report of the Asset Management Group

### **LAND ADJACENT TO 95 PROUDFOOT DRIVE BISHOP AUCKLAND**

#### **purpose of the report**

1. To seek Members' approval to refuse a request to purchase land at the above location.

#### **background**

2. A request to purchase the land edged in black on the plan at Annex B for garden extension purposes has been received from Mr. and Mrs. P. Dobson, the owners of 95 Proudfoot Drive Bishop Auckland.

#### **consultations**

3. The Acting Director of Community Services offers no objection to the sale of the land but confirms that if the land is sold the concrete kerbs, which are laid between the points marked A-B on the plan should become the responsibility of the purchasers.
4. The Director of Housing Services does not object to the land being sold.
5. The Director of Regeneration advises that any proposal for a change of use from open space to garden will require planning permission and would be determined against policies as contained in the Wear Valley District Local Plan.
6. He further advises, that given the location of the site, he is concerned that its use as a garden may affect the amenity of the occupiers at 19 Cosgrove Avenue, and that it could be argued that both properties have an equal entitlement to the requested land given the relationship of both properties to it. Furthermore the open plan nature of the land makes an important aesthetic contribution to the local area and the enclosure of the land by a fence would have a strong visual impact particularly as it is located on the corner of a junction.
7. As planning permission for change of use would not be supported the Director of Regeneration would not support the sale of the land.
8. The occupiers of 19 Cosgrove Avenue advise that they would have no objection to the land being sold to the applicants.

**conclusion**

- 9. As the Director of Regeneration is unable to support the sale of the land it is recommended that the request from Mr. and Mrs. Dobson be refused.
- 10. However, in line with the Council's policy of public speaking at this Committee Mr. and Mrs. Dobson have been invited to attend this meeting to afford them the opportunity to put their case to you.

**RECOMMENDED** that Mr. and Mrs. Dobson's request to purchase the land be refused for the reasons contained in paragraphs 5, 6 and 7.

**background papers**

File Number 32881

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## CENTRAL RESOURCES COMMITTEE

28 SEPTEMBER 2005

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Report of the Director of Central Resources

### **COMMUNITY FUND – HENKNOWLE COMMUNITY ASSOCIATION**

#### **purpose of the report**

1. To consider a request from Henknowle Community Association for funding.

#### **background**

2. The above organisation has requested £10,000 from the Community Fund towards the cost of replacing the current wooden windows at Henknowle Community Centre with new PVC windows. The Community Association currently leases the building from the Council.
3. Replacement windows would have the benefit to the Community Association of reducing energy costs and improving security. The estimated costs are between £8,000-£10,000.
4. £20,000 has already been secured from the Neighbourhood Renewal Fund to re-wire the building and replace the heating system. The Council's Facilities Manager has also estimated that a further additional £17,000 would be required on top of that already mentioned to carry out work to bring the building up to a satisfactory standard

**RECOMMENDED** that Members consider the level of any donation from the Community Fund.

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**CENTRAL RESOURCES COMMITTEE**

28 SEPTEMBER 2005

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Report of the Director of Central Resources  
**HOUSING ADVANCES - LOCAL AUTHORITY MORTGAGE INTEREST RATE;  
HOUSING ACT 1985 SECTION 438 AND SCHEDULE 16  
(formerly Housing Act 1980 Section 110)  
(Mortgages arranged since 3rd October 1990)**

**purpose of the report**

1. In accordance with the Act, the Council is required, every six months, to declare two rates of interest applicable to:
  - (i) Advances and transfers;
  - (ii) Sums left outstanding on disposal of Council owned dwellings.
2. These local average rates are determined from the average loans pools rate, plus a quarter per cent for administrative expenses. This has now been calculated at 6.50%. The current rate is 6.75%.
3. The Standard National Rate declared by the Secretary of State is currently 6.28%.
4. The Act further requires the Council to charge the higher of either the Standard National Rate or the local average rate.

**RECOMMENDED** that the local average rate with effect from 1 October 2005 be:

- |      |   |       |
|------|---|-------|
| (i)  | Advances and transfers;                                       | 6.50% |
| (ii) | Sums left outstanding on disposal of Council owned dwellings. | 6.50% |

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## CENTRAL RESOURCES COMMITTEE

28 SEPTEMBER 2005

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### Report of the Director of Central Resources **BENEFIT TAKE-UP**

#### **purpose of the report**

1. To consider the benefit take-up strategy in respect of the first six months of 2005/06.

#### **background**

2. Members will recall that a strategy was approved in March 2005 to increase the take-up of benefits over a three-year period. The strategy supports one of the priorities set out in the Council Plan. It was also agreed that a six monthly report would be produced and given to Committee for consideration.

#### **progress**

3. A number of benefits staff participated in a number of events and initiatives over the six-month period. There have been a number of achievements in line with the aims and objectives set out in the strategy. The remainder of the report details progress to date against the agreed aims and objectives.
4. To ensure that the Benefit Service remains accessible to all residents of the area and is operated in an efficient and cost effective manner.
  - Benefits staff were invited to attend a Gala day organised by the Coundon and Leeholme Partnership. The event itself was successful and staff spoke to residents to whom they were able to give advice. As a result of being involved in the Gala Day the staff are now working with the Coundon and Leeholme Partnership. The staff will publicise the availability of Housing and Council Tax Benefit and offer advice to the residents of the Coundon and Leeholme area. The joint advice and awareness surgeries were launched on 6<sup>th</sup> September 2005.
  - Staff have visited the majority of villages from Roddymoor, Billy Row, Stanley, Sunnyside and Tow Law to the dales villages from Wolsingham to Cowshill. Agreement was obtained to display posters advertising Housing and Council Tax benefits and the disregard of war pension income at local shops in these villages and contacts were made for the future regarding possible venues for benefit advice surgeries.



- The Pension Service provided a scan of their data showing claimants in receipt of Pension Credit who were not in receipt of Housing & Council Tax benefit. The data produced the contact details for 368 elderly residents of Wear Valley district. Staff undertook various checks and this resulted in 126 potential customers. These customers were contacted and asked whether they would like to proceed with an application for benefit and if so, how they would like to apply. They were given the choice of a form being posted to them, an appointment in the office or were offered a home visit. As a result 79 people made a claim for benefit. Backdated Council Tax benefit of £35,405.04 and Housing Benefit of £15,345.66 was paid. An additional £45,086.64 was also paid in respect of Council Tax benefit for the current year. Therefore an additional £95,837.34 of benefit was paid to local residents as a result of this initiative.
  - Benefits staff attended the sessions at Willington and Bishop Auckland for the annual issue of bus tokens. In total 99 potential customers were spoken to. The majority of these were already in receipt of their maximum benefit entitlement. Benefit was awarded to 2 of these people, one was advised to apply for Disability Living Allowance and Pension Credit and 2 people, who were in receipt of war pensions, were advised that we would contact them in September to invite an application when their war pensions would be disregarded for benefit purposes. Two queries were taken and passed to the Housing department and consequently dealt with.
  - The service continues to provide a home visiting service to elderly and housebound customers.
  - Development of web site facilities is continuing.
  - The benefit application form is currently under review to ensure it is as customer friendly as possible whilst adhering to statutory regulations.
  - The benefits computer system now has the facility to produce notification letters in large print.
  - Leaflets on various Housing and Council Tax benefit topics are now available
5. To work closely with service partners (both within the council and external organisations) in proactively encouraging joint working to ensure all resources are utilised within the area to maximise the take-up of benefits efficiently and effectively.
- Service Level Agreements have been signed for the current year with Job Centre Plus, The Pension Service and The Rent Service.
  - A job shadowing exercise with Job Centre Plus has been arranged for October.
  - Staff attended the Landlord Association meeting in June.

- Liaison meetings are continuing with various external agencies such as Citizens Advice Bureau etc.
6. To ensure that staff are given effective training, so that customers receive advice and assistance appropriate to their circumstances to ensure that every opportunity is taken to maximise take up of available benefits and discounts.
- Personal Development plans have been completed for all benefit staff.
  - On-going training has been undertaken on various technical benefit issues.
  - Quality control checks have been completed as required by DWP for Benefit Performance Standards.
7. To maintain effective and secure gateways to ensure that all benefit claims and enquiries are dealt with accurately, efficiently and promptly.
- 80% of Performance Standards have been achieved.
  - Targets have been met for BVPI's on the accuracy and speed of processing claims.
8. To maintain high levels of customer service to customers to ensure that they are not deterred from approaching the service and claiming benefits by providing a pro-active, caring and friendly service.
- Records have been maintained of the complaints received and monitoring action taken to identify training issues.
  - A survey of customers visiting the benefit counter will shortly be undertaken.
9. To deal effectively with all benefit enquiries and appeals to ensure that requests for further information and explanations are provided to ensure that the customer is satisfied about the validity of their benefit claim.
- Section and Performance Standard targets are now being met for correspondence and appeals.
10. To monitor and evaluate customer needs to ensure that the service reflects those needs and to identify areas and reasons for low take-up of benefits to ensure that these issues can be addressed by targeted campaigns and promotions to potential customers.
- Take-up initiatives have been undertaken with The Pension Service and Coundon and Leeholme Partnership as stated earlier in this report.

**conclusion**

11. The above shows:

- (i) The award of £95,837.34 benefit was a major achievement for the take up campaign and boosted the income of elderly residents of the District.
- (ii) Progress has been made against the Council Plan to enable residents to achieve a better quality of life.
- (iii) Achievements have been made or continue to be made as set out in the Benefits Take-up Strategy.

**RECOMMENDED** that Members note the report.

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**Officer responsible for the report**

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**CENTRAL RESOURCES COMMITTEE**

28 SEPTEMBER 2005

Report of the Director of Central Resources  
**DEBT MANAGEMENT FRAMEWORK**

**purpose of the report**

1. To consider revision to the debt management framework that was last reported to Members on the 8 June 2005.

**background**

2. Committee agreed in 2002 a framework for managing the Authority's debts. The following debts are covered by the framework:
  - Sundry Debts
  - Council Tax
  - NNDR
  - Housing/Council Tax Benefit overpayments
  - Housing Rents.

**performance management**

- 3 The framework identified a range of performance measures for the above debts. However, the measures used did not fully capture performance that could be compared over time particularly relating to old debts. It also failed to meet one of the criterion of adequate performance that the Council:

*“sets and monitors targets for income collection and recovery of arrears based upon the age profile of debt”*

- 4 Consequently, a number of new targets have been set for 2005/06. Performance against these targets will be reported after the close of the financial year.
- 5 The different types of debts are considered in turn:

(i) Sundry Debts

	Actual 2004/05	Target 2005/06
%age of in-year debt collected	94%	95%
%age of in-year debt written off	0%	0%
%age of prior year debt collected	94%	95%
%age of prior year debt written off	3%	3%

In-year debt relates to debt that has been raised in the financial year for which performance is being measured. For example performance for 2004/05 relates to collection for debts raised in financial year 2004/05. Prior year debt relates to the two financial years prior to the financial year for which performance is being measured. For example performance for 2004/05 relates to collection of debts raised in financial years 2002/03 and 2003/04.

(ii) Council Tax

	Actual 2004/05	Target 2005/06
%age of in-year debt collected	98.9%	98.1%
%age of in-year debt written off	0%	0%
%age of prior year debt collected	99.4%	99.5%
%age of prior year debt written off	0.05%	0.1%

(iii) NNDR

	Actual 2004/05	Target 2005/06
%age of in-year debt collected	99.2%	99.0%
%age of in-year debt written off	0.4%	0.3%
%age of prior year debt collected	97.1%	99.0%
%age of prior year debt written off	2.7%	1.0%

(iv) Housing and Council Tax Benefit Overpayments

The performance measures used are the statutory best value performance indicators. They measure success in collecting both current year and old debt.

	Actual 2004/05	Target 2005/06
%age collected of debt raised in-year and outstanding at start of year	60%	65%
%age of in-year debt written off	0%	0%
%age of in-year and prior year debt written off	0.1%	0.1%

(v) Housing Rents

Performance data is collected and reported to the Housing Services Committee by the Director of Housing.

**conclusion**

6. The Authority is actively managing collection of all its debts. These include those relating to previous years. The legal framework and customer type varies for collection of different types of debt. This has an impact upon the rate of collection. However, comparative statistics from other authorities indicates that the Council's performance is good.

**RECOMMENDED** that Members note the above performance in relation to the management of debts.

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## CENTRAL RESOURCES COMMITTEE

28 SEPTEMBER 2005

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### Report of the Director of Central Resources **BENEFIT INVESTIGATION POLICIES**

#### **purpose of the report**

1. To inform members of proposed amendments to the Council's Prosecution and Anti-Fraud policies.

#### **background**

2. Legislation changes that applied from April 2002 provided enhanced financial incentives for successful prosecution of benefit fraud. In order to ensure that our procedures were comprehensive and robust, this committee approved on 13 February 2002 both Prosecution and Anti-Fraud policies.

#### **changes to prosecution policy**

3. The current threshold for the amount of overpaid housing or council tax benefit above which prosecution action is to be considered is currently £1,500 as set out in the Prosecution policy. It is proposed that the limit be raised to £2,000 in line with that recommended by the Department for Work and Pensions (DWP).
4. The Council may issue legal sanctions against fraud offenders. The Prosecution policy places authority for approving such action with the Director of Central Resources. However, it is appropriate to delegate this authority to the Revenues and Benefits Manager due to the increased number of sanctions being issued. This is supported by advice provided by consultants from the DWP who are currently providing assistance in a review of the Benefit Fraud function.
5. In cases that are proposed for prosecution, this authority will be used in conjunction with the Authority's Prosecutor.

#### **changes to anti-fraud policy**

6. Proposed changes to the anti-fraud policy are due to the following:
  - Operational changes arising from the new benefits computer system introduced in 2003.
  - Changes to the way in which data from the Housing Benefits Matching Service is dealt.

- Changes to performance requirements as set out in the Government's national Performance Standards.

**RECOMMENDED** that the Anti Fraud and Benefit Prosecution policies attached at Annexes C and D be approved.

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## CENTRAL RESOURCES COMMITTEE

28 SEPTEMBER 2005

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Report of the Director of Central Resources  
**RACE EQUALITY SCHEME**

### **purpose of the report**

1. To consider a Race Equality Scheme for the Authority.

### **background**

2. There is a legal requirement for the Authority to publish and progress a Race Equality Scheme (RES). This is also a BVPI. Our BVPI is in the bottom quartile at 0% and reflects a lack of progress in this area.

### **race equality scheme**

3. Attached at Annex E is a RES for the Authority. It has been produced after taking into account the Commission for Racial Equalities Code of Practice to Promote Race Equality. It contains our objectives in relation to race equality, outcomes, an action plan and the necessary actions needed to address the general duty to promote race equality.

### **action plan**

4. The action plan contained within the RES details the next steps we need to undertake to progress this area. Progression will involve all departments and will be dependent upon the level of resource dedicated to it. Financial resources are available from the training budget to train staff in how to prioritise and carry out impact assessments. However, it will be time consuming to actually carry out the impact assessments and change policies/procedures as necessary.

### **bvpi2b – res**

5. As mentioned above, we are currently bottom quartile at 0% for this BVPI. Adoption of the RES at Annex E would improve this BVPI to 42% which would take us out of the bottom quartile into average based on 2003/04 national BVPI figures.
6. Once the action plan was complete (some of which can be done reasonably quickly), this would take the BVPI into the top quartile based on 2003/04 figures.

## **financial implications**

7. There are two main financial implications arising from this report. The first relates to staff time. In order to progress, race equality will require staff time from all departments to carry out the actions as per the Action Plan e.g. impact assessments. It is difficult at present to identify accurately how much time this will require. The second implication relates to the need for external assistance to train staff in how to carry out impact assessments and also develop consultation processes. This can be met out of the corporate training budget and is estimated to cost up to £10,000.

## **human resource implication**

8. There will be a need to train staff in how to carry out impact assessments on our policies and procedures as well as carrying out surveys to ascertain the views of our customers. This will be an ongoing process across the organisation. There is also a need to continue to include equality and diversity issues as part of the induction process within the Authority.

## **legal implications**

9. As mentioned above there is a legal requirement upon the Authority to progress race equality. The adoption of the Race Equality scheme and achievement of the targets and outcomes will meet this obligation.

## **conclusion**

10. This is becoming an increasingly important area for the Authority in relation to the external inspection regime. Notwithstanding external inspections, this is something that the Authority should be responding to. It needs to be acknowledged that reviewing policies and procedures is a long term task as is changing the way we think and work.

**RECOMMENDED** that Members consider and agree the report and Annex E.

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