



WEAR
VALLEY
DISTRICT COUNCIL

CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Director of Central Resources

COMMUNITY FUND – HOWDEN LE WEAR METHODIST CHURCH

purpose of the report

1. To seek a decision from Committee relating to a request for a contribution from the community fund from Howden Le Wear Methodist Church.

introduction

2. A request for funding in the sum of £1328 towards the provision of a sound system for Howden Le Wear Church and Village Hall has been received.

background

3. The Church and Village Hall have been assessed by the Wear Valley Disability Access Forum and in compliance with their recommendations improvements have been made to accommodate the disabled by way of the provision of a ramp, invalid toilet and large print hymn books. The installation of a sound system would complete those recommendations and ensure that the Church and Village Hall were compliant with the terms of the Disability Discrimination Act.
4. The Church and Village Hall are well used by the community not only for weddings, funerals and christenings but also by the Mother and Toddler Group and the Fir Tree Women's Institute. The installation of the sound system would be beneficial to all.

requirements

5. One estimate for the installation of the system has been provided and totals £1828. This includes the supply of:-
 - A seven channel, 200 watt mono mixer/amplifier;
 - Two loudspeakers rated at 75 watts each;
 - Two brackets for the above;
 - two lapel radio microphone systems;
 - a loop system including loop amplifier;
 - cabling and connections;
 - one loudspeaker 150 watt including wall bracket.
6. The Church has already raised £500 towards this project and has asked that the balance be granted from the Community Fund.

conclusion

7. As the sum requested is above the level delegated to officers, in conjunction with the Leader of the Council, the matter is reported to committee for decision.

RECOMMENDED that Members consider the above request and determine the level, if any, of funding to be granted.

Officer responsible for the report	Author of the report
Gary Ridley	Linda Spence
Director of Central Resources	Committee Administrator
Ext 227	Ext 309



CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Director of Central Resources **HOMEWORKING POLICY**

purpose of the report

1. To seek agreement to an addition to the Authority's Homeworking Policy.

background

2. Members will recall that the Authority adopted a Homeworking Policy in March 2003.
3. As part of the e-government priority service outcome agenda, homeworking policies are required to specify the level of I.T. support given to homeworkers.

i.t. support

4. It is proposed to offer the following I.T. support (where appropriate) to those staff who work from home at least 2 days per week on average:
 - (i) Personal computer/laptop (no minimum specification).
 - (ii) Keyboard.
 - (iii) Monitor.
 - (iv) I.T. operational support in terms of workstation set up, problem resolution etc.
 - (v) Relevant software.
 - (vi) Dial up access.

financial implications

5. A pc/monitor/keyboard costs approximately £500. This can be funded from the I.T. development budget. The pooling of pc's may be necessary to minimise costs. Dial up access costs approximately £5 per day assuming 6 hours dial up access. Staff who work from home tend not to need a significant amount of dial up access, therefore, these costs should be minimal.

human resources implications

6. At present less than 10 staff work from home on a regular basis. However, it has proven beneficial for both staff and the Authority. This policy amendment should enable more staff to consider homeworking as they will not need to provide their own hardware or software.

7. There will be a staffing implication upon I.T. staff who will need to support homeworkers when necessary. This can be accommodated within existing workloads.
8. Enabling more staff to work from home also improves worklife balance issues.
9. The relevant trade unions will be consulted on the proposed change.

conclusion

10. Specifying I.T. support for homeworkers should enable more staff to work from home thus improving both worklife balance issues for staff as well as operational issues for the Authority.

RECOMMENDED that Members agree to adopt the amendment to the homeworking policy as outlined in paragraph 4 above.

Officer responsible for the report	Author of the report
Gary Ridley	Gary Ridley
Director of Central Resources	Director of Central Resources
Ext 227	Ext 227



CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

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

purpose of the report

1. To present the benefit service strategy to encourage the take-up of Housing and Council Tax benefits by the residents of the district.

background

2. Housing and Council Tax benefit is designed to provide a safety net for those on low income enabling them to pay their rent and council tax. The Department for Work and Pensions (DWP) have stated that only 85% of those eligible for Housing benefit and only 70% of those eligible for Council Tax benefit have made a claim.
3. Nationally, in respect of council tax benefit, around 2.3m people are simply not protected from the council tax burden. Approximately 1.7m of those not claiming are pensioners, particularly owner-occupiers. The main reasons for lack of take-up are stigma, complexity of the application process and lack of awareness. Efforts will be concentrated on the latter as the Council has limited influence over the first two factors.

strategy

4. The Council's five-year plan states that benefit take-up will be a priority to enable residents to have a better quality of life, lifting many out of the poverty trap. The plan states that, in particular, those residents who are elderly or disabled, caring for a disabled child or lone parents will be targeted specifically together with those in the most deprived wards.
5. Increased benefit take-up will fulfil the aims and objectives of Wear Valley Council in the areas of economy, health, crime and population. The take-up strategy will also form part of the annual benefits business plan.
6. The benefits service have drawn-up a strategy as per Annex A to pro-actively seek out those residents who are not in receipt of welfare benefits who may be eligible for benefit and encouraging them to make a claim. This will also support positive evaluation under the 2005 Comprehensive Performance Assessment (CPA) process in improving delivery on corporate priorities on the healthy living environment. Work will be carried out alongside the core function of the section, assessment of benefit.

7. Progress against this plan will be reported six monthly to members giving details of work undertaken, the number of residents contacted and any resulting claims received.

financial implications

8. There is no dedicated staff with regard to this initiative and an attempt will be made to absorb any additional workload within existing resources without impacting on the processing time for assessment. The resource implications of this work may need to be reviewed.

human resources implications

9. The take-up strategy will require additional training to be given to existing staff.

i.t.implications

10. The take-up strategy will require the extract of data from the IBS Benefits computer system and development of the customer relationship management system.

RECOMMENDED that Members endorse the benefits take-up strategy.

Officer responsible for the report	Author of the report
Gary Ridley	Ann Baker
Director of Central Resources	Revenues & Benefits Manager
Ext 227	Ext 253



WEAR
VALLEY
DISTRICT COUNCIL

CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Director of Central Resources
CENTRAL RESOURCES SERVICE PLAN 2005/06

purpose of the report

1. To seek Member approval for the Department's Service Plan.

background

2. The Department has produced a service plan in line with the corporately agreed framework shown at Annex B.

consultation

3. Staff have been consulted on the Plan.

human resources implications

4. The Plan covers the whole of the Central Resources Department.

i.t. implications

5. There will be an on-going requirement to refine IT and management information systems in order to provide timely, efficient information on performance.

RECOMMENDED that Members agree the Central Resources Service Plan at Annex B.

Officer responsible for the report

Gary Ridley
Director of Central Resources
Ext 227

Author of the report

Gary Ridley
Director of Central Resources
Ext 227



CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Director of Central Resources **TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2005/06**

purpose of the report

1. To advise Members and to seek their agreement on the above for the 2005/06 financial year.

background

2. The Local Government Act 2003 requires the Council to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable.
3. The Act therefore requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy; this sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

2005/06 strategy

4. The suggested strategy for 2005/06 in respect of the following aspects of the treasury management function is based upon the Treasury officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury advisor. The strategy covers:
 - treasury limits in force which will limit the treasury risk and activities of the Council;
 - Prudential Indicators
 - the current treasury position;
 - the borrowing requirement
 - prospects for interest rates;
 - the borrowing strategy;
 - debt rescheduling;
 - the investment strategy;

treasury limits for 2005/06 to 2007/08

5. It is a statutory duty under S.3 of the Local Government Act 2003 and supporting regulations, for the Council to determine and keep under review how much it can afford to borrow. The amount so determined is termed the “Affordable Borrowing Limit”.
6. The Council must have regard to the Prudential Code when setting the Affordable Borrowing Limit, which essentially requires it to ensure that total capital investment remains within sustainable limits and, in particular, that the impact upon its future council tax and council rent levels is ‘acceptable’.
7. Whilst termed an “Affordable Borrowing Limit”, the capital plans to be considered for inclusion incorporate financing by both external borrowing and other forms of liability, such as credit arrangements. The affordable borrowing limit is to be set, on a rolling basis, for the forthcoming financial year and two successive financial years.

prudential indicators for 2005/06 – 2007/08

8. The following prudential indicators (in the table below) are relevant for the purposes of setting an integrated treasury management strategy.
9. The Council is also required to indicate if it has adopted the CIPFA Code of Practice on Treasury Management. This was adopted in 1996 by the full Council.

(i) Interest Rate Exposures

	2004/05	2005/06	2006/07
	£m	£m	£m
The upper limit on fixed interest rate exposure is	30	30	30
The upper limit on variable interest rate exposure is	15	15	15

(ii) Maturity Structure of Borrowing

	% (Upper)	% (Lower)
Under 12 months	25	0
12 months within 24 months	25	0
24 months within 5 years	40	0
5 years within 10 years	40	0
10 years and above	65	0

current treasury position

10. The Council’s treasury portfolio position at 31 March 2005 comprised:

	Principal		Ave. rate	
		£m		%
Fixed rate funding	PWLB	21,760,000		
	Market	<u>6,500,000</u>	28,260,000	5.59
Variable rate funding	PWLB	8,457,228		
	Market	<u>-</u>	8,457,228	10.14
Other long term liabilities			-	
TOTAL DEBT			<u>36,717,228</u>	7.5
TOTAL INVESTMENTS			13,000,000	4.8

borrowing requirement

	2003/04 £'000 actual	2004/05 £'000 probable	2005/06 £'000 estimate	2006/07 £'000 estimate	2007/08 £'000 estimate
New borrowing	1,000	7,000	2,000	2,000	10,000
Alternative financing arrangements	-	15,500	3,000	3,500	3,000
Replacement borrowing	9,922	1,000	1,000	1,000	1,000
TOTAL	10,922	23,500	6,000	6,500	14,000

prospects for interest rates

11. The Council has appointed Sector Treasury Services as treasury adviser to the Council and part of their service is to assist the Council to formulate a view on interest rates. Annex C draws together a number of current City forecasts for short term or variable (the base rate or repo rate) and longer fixed interest rates. The following table gives the Sector central view.

Sector View: Interest rate forecast – January 2005

	Q/E1 2005	Q/E2 2005	Q/E3 2005	Q/E4 2005	Q/E1 2006	Q/E2 2006	Q/E3 2006	Q/E4 2006	Q/E1 2007	Q/E2 2007	Q/E3 2007
Base Rate	5.00%	5.00%	4.75%	4.75%	4.50%	4.50%	4.25%	4.25%	4.25%	4.50%	4.50%
5 yr Gilt Yield	4.75%	4.75%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.50%	4.75%	4.75%
10 yr PWLB Rate	5.00%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%
25 yr PWLB Rate	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%	4.75%

economic background

uk

- Above trend Gross Domestic Product robust, but indications of weakening activity ahead.
- Slowdown in household spending and weakening housing market.
- Benign inflation at present, may rise in 2005 as high street competition cannot sustain the current situation against the effect of rising oil prices.
- Sterling expected to remain at \$1.80 or above.

international

- US - measured interest rate raising by the Federal Reserve; weak trend employment data
- Consumer slowdown shows no signs of abating and this will be compounded by high oil prices, rising interest rates, the fading effects of past tax cuts and a faltering labour market.
- US inflation benign.
- European Central Bank has held repo rate at 2.00% since June 2003.
- Weak domestic demand/export led growth indicates an economy about to suffer as world economy expected to slow.

interest rate forecast

- The base rate is expected to rise to 5.00% in Q2 2005, but is nearing the peak of the cycle, and is consequently expected to fall back in 2005.

long term 25 year public works loan board rate:

- Expected to remain around 4.75%
 - Housing market to weaken from fast market increases causing consumers to feel the pinch.
 - Slower global growth driven by weakness in the US

borrowing strategy

12. The anticipation is that there is not likely to be much difference between short-term variable PWLB rates and medium and long-term PWLB fixed rate borrowing during 2005/06 provided base rate falls from 5.0% to 4.75% as expected in quarter 3 of 2005. Variable rate borrowing will therefore be slightly more expensive than long term fixed borrowing during quarter 2, but is expected to become cheaper in quarter 1 of 2006 when base rate is forecast to fall to 4.5%. Thereafter variable rate borrowing is expected to become still cheaper during 2006 and so the gap will widen further between long term fixed and variable rates.
13. Long-term rates are not currently expected to move significantly in 2005/06 but may drift to the downside.
14. These interest rate expectations provide a variety of options:

- that short-term variable rates will be good value compared to long-term rates, and are likely to remain so for potentially at least the next couple of years. Best value will therefore be achieved by borrowing short term at variable rates in order to minimise borrowing costs in the short term or to make short-term savings in order to meet budgetary constraints. If fixed PWLB rates should fall significantly, then a suitable trigger point for considering new fixed rate long term borrowing would be about 4.5%.
 - that the risks intrinsic in the shorter term variable rates are such, when compared to historically relatively low long term fixed funding, which may be achievable in 2005/06, that the Council will maintain a stable, longer term portfolio by drawing longer term fixed rate funding at a marginally higher rate than short term rates.
15. Against this background caution will be adopted with the 2005/06 treasury operations. The Director of Central Resources will monitor the interest rate market and adopt a pragmatic approach to changing circumstances, reporting any decisions to the Council at the next available opportunity.
16. **Sensitivity of the forecast** - The main sensitivities of the forecast are likely to be the two scenarios below. The Council officers, in conjunction with the treasury advisers, will continually monitor both the prevailing interest rates and the market forecasts, adopting the following responses to a change of sentiment:
- *if it were felt that there was a significant risk of a sharp rise in long and short term rates, perhaps arising from a greater than expected increase in world economic activity, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be drawn whilst interest rates were still relatively cheap.*
 - *if it were felt that there was a significant risk of a sharp fall in long and short term rates, due to e.g. growth rates remaining low or weakening, then long term borrowings will be postponed, and any rescheduling from fixed rate funding into variable or short rate funding will be exercised.*

debt rescheduling

17. Opportunities may exist for restructuring long term debt into short term variable rate debt to produce savings later in the year, particularly once base rate has fallen to 4.5%. With variable rate borrowing rates likely to fall significantly during 2005/06, it will be best to avoid restructuring into fixed borrowing for short periods (e.g. one year). Long term fixed rates are not expected to rise back above 5.25% during 2005/06. Consequently long term debt rates at or above 4.90% would warrant reviewing the potential for undertaking debt restructuring. Any positions taken via rescheduling will be in accordance with the strategy position outlined above.
18. The reasons for any rescheduling to take place will include:

- the generation of cash savings at minimum risk;
 - in order to help fulfil the strategy outlined above; and
 - In order to enhance the balance of the long term portfolio (amend the maturity profile and/or the balance of volatility).
19. All rescheduling will be reported to the Council, at the meeting following its action.

annual investment strategy

investment policy

20. The Council will have regard to the ODPM's Guidance on Local Government Investments ("the Guidance") issued in March 2004 and CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code"). The Council's investment priorities are:-
- (a) the security of capital and
 - (b) the liquidity of its investments.
21. The Council will also aim to achieve the optimum return on its investments commensurate with proper levels of security and liquidity.
22. The borrowing of monies purely to invest or on-lend and make a return is unlawful and this Council will not engage in such activity.
23. Investment instruments identified for use in the financial year are listed below under the 'Specified' and 'Non-Specified' Investments categories. Counterparty limits will be as set through the Council's Treasury Management Practices – Schedules.

specified investments

24. All such investments will be sterling denominated, with maturities up to maximum of 1 year, meeting the minimum 'high' rating criteria where applicable.

Maximum Loan per Organisation

(i)	UK Clearing Banks & their Wholly Owned Subsidiaries (except Co-op Bank which is £2.5m)	£2M
(ii)	Banks and Building Societies - Top 10 UK and the Republic of Ireland, rated either F1 or P1 as per Fitch and Moody's ratings	£2M
(iii)	Local Authorities	£2M

The criteria which the Council uses is to put the emphasis on the safety of the investment.

25. The Council uses Fitch ratings to derive its criteria. Where a counterparty does not have a Fitch rating, the equivalent Moody's (*or other rating agency if applicable*) rating will be used. All credit ratings will be monitored. The Council is alerted to changes in Fitch ratings through its use of the Sector creditworthiness service. If a downgrade results in the counterparty/investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.

investment strategy

26. **In-house funds** : The Council's in-house managed funds are mainly cash flow derived and investments will accordingly be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months).
27. **Interest Rate Outlook:** Sector's is forecasting base rates to be on a falling trend from 4.75% in Q1 and Q2 2005 to 4.50% in Q1 & 2 of 2006. The Council will therefore seek to lock in longer period investments at higher rates before this fall starts for some element of its investment portfolio which represents its core balances.
28. For its cash flow generated balances, the Council will seek to utilise its business reserve accounts and short-dated deposits (3-12 months) in order to benefit from the compounding of interest.

end of year investment report

29. At the end of the financial year, the Council will report on its investment activity as part of its Annual Treasury Report.

legal implications

30. The Authority's treasury management activities are carried out in accordance with statutory provisions as outlined in the report.

financial implications

31. The 2005/06 budget includes sums for external interest payments and investment income. Should these budgets be exceeded, this will be reported to Members as part of the budget monitoring process.

human resources implications

32. Senior officers within the Department are responsible for the execution of the Treasury Management policy, as outlined in the Authority's treasury management practice statements.

RECOMMENDED that Members note the report and agree the Treasury Management Strategy Statement and Annual Investment Strategy for 2005/06

Officer responsible for the report

Gary Ridley
Director of Central Resources
Ext 227

Author of the report

Gary Ridley
Director of Central Resources
Ext 227



WEAR
VALLEY
DISTRICT COUNCIL

CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Director of Central Resources **LAND ADJOINING 88 HEATHER LANE, CROOK**

purpose of the report

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

background

2. Ms. D. Knox of 88 Heather Lane, Crook has requested to purchase that land shown on the plan at Annex D for the purpose of a single storey extension and additional garden. The land is part of the open space on the Thistleflat Estate, Crook.
3. Ms. Knox made a similar request to purchase in 1992. This was refused under delegated powers due to concerns over highway site lines being obstructed and the loss of public open space. Given the lapse of time the request now has been considered afresh.

consultation

4. The Acting Director of Community Services has no objections to the sale of the land. Durham County Council advises that highway site lines would not be affected by the proposal.
5. The Director of Regeneration considers the area has amenity value and contributes towards the open character of the estate and is likely to be contrary to policy BE14 of the Local Plan

Policy BE14 – 'Open spaces which contribute to the character and amenity of the area within the defined development limits... will be protected against development'.

crime and disorder implications

6. No case has been put forward of incidents of anti-social behaviour. There are no crime and disorder implications.

conclusion

- 7. As the Director of Regeneration is unable to support the proposal it is recommended that the request from Ms. Knox to purchase land adjoining 88 Heather Lane, Crook be refused.
- 8. In line with the Council's policy of public speaking at this Committee Ms. Knox has been invited to attend this meeting to afford her the opportunity to present her case to you.

RECOMMENDED that Ms Knox's request to purchase the land be refused for the reason as detailed in paragraph 6.

background papers

80724

Officer responsible for the report	Author of the report
Gary Ridley	Andrew Coates
Director of Central Resources	Legal Executive
Ext 227	Ext 418



WEAR
VALLEY
DISTRICT COUNCIL

CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Asset Management Group

LAND ADJACENT TO 2 WESTERN HILL FROSTERLEY

purpose of the report

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

introduction

2. A request has been received from Mr. and Mrs. Richardson of 2 Western Hill, Frosterley to purchase the grassed area of land hatched black on the plan at Annex E to enable their existing garden to be extended as a safe play area for their child. The extent of Mr. and Mrs. Richardson's property is edged in black on the plan.

director of regeneration's comments

3. The Director of Regeneration confirms that the proposed development is acceptable in principle subject to an application for planning permission being made. He assumes that any sale will be subject to conditions relating to the condition and maintenance of the land.

acting director of community services' comments

4. The Acting Director of Community Services offers no objection of a technical nature to the sale of the land subject to the purchasers providing and maintaining suitable boundary fencing.
5. He suggests however that a 300mm strip of land at the rear of the kerb be retained in order that the kerb foundations are not damaged by fence posts etc.

director of housing services' comments

6. The Director of Housing Services has no objection to the sale of the land.

durham county council's environment department

7. An officer of the County Council's Traffic Section confirms that the parking area indicated on the plan, as well as the land which the applicants wish to purchase, does not form part of the adopted public highway. However, he advises that vehicles parked in the parking area do currently overhang the kerb and encroach into the land hatched black on the plan. He also advises that the parking area is restricted and considers that the loss of the hatched land would further restrict parking.

author's comments

8. The adjacent land owner at 1 Western Hill was consulted and in accordance with Sections 122/123 of the Local Government Act 1972 an open space advertisement was undertaken. This resulted in a number of objections being received from residents, as well as one from Stanhope Parish Council.
9. The main reasons given in the letters of objection are as follows:-
 - a) Loss of amenity space that is used regularly by the occupiers of the aged persons bungalows in Glebe Side. There is also a seat that appears to be located on the land which is also used by the occupiers of the bungalows, and because there is no suitable land available it would not be possible to relocate the seat.
 - b) Land is used for play by small children.
 - c) A turning bay which is used for the parking of vehicles lies adjacent to the land, and if the sale proceeds it would be almost impossible for the turning bay to be used safely. When large vehicles park they need to 'overhang' onto part of the land, and in the event that it is sold and a fence/wall erected on the boundary marked A-B on the plan vehicles will have to park two to three yards further back thus creating a hazard for vehicles travelling down Glebe View.
 - d) There are parking spaces for four vehicles but turning is virtually impossible if one vehicle is parked, and in the past walls, poles and a fire hydrant have been hit.
 - e) There needs to be access at all times for emergency vehicles.
10. The position of the seat mentioned above is indicated by 'x' on the plan, and is not on the land which Mr. and Mrs. Richardson have requested to purchase. However, I am conscious of the fact that if the land is sold the concerns/problems mentioned in the letters of objection will be exacerbated.
11. Although the proposed disposal will not result in the loss of the whole area of open space opposite Glebe Side, it is evident that residents would not like to see the use of any part of this amenity land diminished.

conclusion

- 12. In view of the comments made in the letters of objections, particularly with regard to highway safety, as well as the observations made by the Traffic Section of the County Council, it is felt that the request received from Mr. and Mrs. Richardson to purchase the hatched' land to enable their existing garden to be extended should be refused.
- 13. However, in line with the Council's policy of public speaking at this Committee the applicants and the objectors have been invited to attend this meeting to afford them the opportunity to present their respective cases to you.

RECOMMENDED that Mr. and Mrs. Richardson's request to purchase the land be refused for the reasons mentioned in paragraph 12 above.

background papers
File Number 81381

Officer responsible for the report	Author of the report
Gary Ridley	Christine Graham
Director of Central Resources	Legal Executive
Ext 227	Ext 318



CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Asset Management Group

LAND ADJACENT TO 12 WESTCOTT DRIVE, AUCKLAND PARK, BISHOP AUCKLAND

purpose of the report

1. The consideration of a request received from the owners of 12 Westcott Drive, Auckland Park, Bishop Auckland to purchase the above land.

introduction

2. A request to purchase the land edged in black on the plan at Annex F has been received from Mrs. K. Fenwick of 12 Westcott Drive, Auckland Park, Bishop Auckland to enable her existing garden to be extended.
3. This parcel of land, together with other areas of open space, were gifted to the Council by Cala Management Limited on 9 April 2002; the transaction being subject to a covenant restricting the use of the land to that of open space. A further restriction prohibits the sale of land within 21 years from 9 April 2002 unless Cala Management Limited are given the opportunity to repurchase it.

consultations

acting director of community services

4. The Acting Director of Community Services offers no objection of a technical nature to the sale of the land, but states that the applicant should be made aware that planning permission will be needed if a fence exceeding 1 metre in height is erected and that she will be responsible for its future maintenance.

director of regeneration

5. The Director of Regeneration confirms that he has no objection in principle to the proposed development but that planning permission will be needed to change the use of the land to private garden.
6. His only concern regarding the development is its location on a corner site and the effect this may have on the visibility of motorists when rounding this corner. He therefore suggested that Durham County Council's Highway Development Control Section be contacted to ensure that there would be no highway objection to the proposal.

highway development control section of durham county council

7. The County Council's Highway Development Control Section advise that the forward visibility requirement around the bend in Westcott Drive is that which is indicated by the broken black line on the plan, and confirm that any land disposal and enclosures must not bring a fence any closer to the highway than this line.

cala management limited

8. Subject to them receiving 50% of the sale price plus the payment of their costs Cala Management Limited, who gifted the land to the Council on 9 April 2002, offer no objection to the disposal of the land.

open space advertisement

9. 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.
10. This exercise resulted in six letters of objection being received, and the main reasons given why the land should not be sold are as follows:-
 - a) Public Safety - Visibility is already limited because it is on a bend and also due to people using it as a parking area. They understand the applicant's intention is to put a 8 feet wide x 3 feet high trampoline, currently located on their existing garden, on the land. They feel that children playing so close to the roadside on such equipment would be a major hazard as drivers would be distracted and fear that a child may bounce onto the road. They presume that no fence would be allowed to be erected over the height of the trampoline as this itself would then cause visibility problems.
 - b) The trampoline in its current position on the existing garden of the applicant is used by a great number of youngsters, and if the land is sold and the trampoline moved to the extended part of the garden the noise would become unbearable.
 - c) The land is a large open green space which was intended for the enjoyment of everyone and not for the sole use by one household. To dispose of it merely so that somebody can have a bigger garden seems unjustified and unfair on the other residents. They feel the area needs to remain as it was intended to be in order to preserve the open aspect of the estate, and that to give it to the nearest house and have it fenced off in any way or things placed on it would lead to the street appearing to be overdeveloped.
 - d) The land is open space and it affects the overall look of the estate, and properties were purchased on the look and design of the estate as it is now.

- e) A precedent would be set for other residents to be able to obtain other green areas for themselves, which could lead to the whole of the estates amenity land being 'swallowed up'.
- f) The householder has his own business and it is felt that the land will be used for the storage of materials and the parking of vehicles connected with the business.

author's comments

- 11. It will be seen that subject to certain conditions officers have no objection to the land being sold. Furthermore subject to them receiving 50% of the purchase price and the payment of their costs Cala Management Limited offer no objection to the proposed disposal.
- 12. However, the open space advertisement resulted in six objections being received from members of the public who for the reasons shown at paragraph 11 would not like to see the open space disposed of, and comments on these are given in the following paragraphs.
- 13. Whilst it is acknowledged that this area of open space will disappear if it is sold for garden use there is a large area of open space in the vicinity, part of which is shown hatched black on the plan.
- 14. It is acknowledged that there are other areas of open space on this estate which could be the subject of requests from adjacent owners who wish to purchase a parcel of land to enable their existing garden to be extended. However, no precedent will be set if Members are mindful to approve this request as each application is considered on its own merits.
- 15. Whilst objectors are concerned that the land could be used for the storage of materials and the parking of vehicles in connection with the business of the applicant, if the request was approved a covenant restricting the use of the land to that of garden purposes and that it should not be used for business purposes would be included in the Transfer.
- 16. The objectors are concerned that if the trampoline which is currently on the applicant's garden is moved onto the land she wishes to purchase that the noise made by the youngsters who use the trampoline regularly would be unbearable. The applicant has confirmed that if she is allowed to purchase the land she would be prepared to leave the trampoline on her existing garden.

conclusion

- 17. It is evident from the number of objections received that there is strong opposition to the sale of this area of land. However, I would hope the comments contained in paragraphs 14-18 go some way to answering the points raised in the letters of objection. Furthermore subject to certain conditions being imposed officers offer no objection to the request being approved. If after considering the objections Members are of the view that the land should be sold I would

recommend that the sale to Mrs. Fenwick should be subject to the following terms and conditions:-

- a) Valuation to be agreed with, or given by, the District Valuer.
 - b) Land to be used for garden purposes only and not for the storage of materials or vehicles connected with the applicant's business.
 - c) The trampoline currently on the applicant's garden is not at any time to be placed on the land.
 - d) No fence to be erected closer to the highway than the broken black line on the plan.
 - e) No building or structure to be placed on the land.
 - f) Not to cause a nuisance or annoyance to the owners or occupiers of adjacent properties.
 - g) Applicant to obtain planning permission for change of use from open space to garden and erection of any fencing.
 - h) Applicant to be responsible for the Council's legal and valuation fees, and the costs of Cala Management Limited who are to receive 50% of the purchase price.
18. In line with the Council's policy of public speaking at this Committee the applicant and the objectors have been invited to attend this meeting to afford them the opportunity to present their respective cases to you.
19. Members instructions are requested.

Background Papers

File Number 81374

Officer responsible for the report

Gary Ridley
Director of Central Resources
Ext 227

Author of the report

Christine Graham
Legal Executive
Ext 318



CENTRAL RESOURCES COMMITTEE

24 MARCH 2005

Report of the Asset Management Group

LAND ADJACENT TO 17 FARNHAM CLOSE AUCKLAND PARK BISHOP AUCKLAND

purpose of the report

1. The consideration of a request received from the owners of 17 Farnham Close, Auckland Park, Bishop Auckland to purchase the above land.

background

2. A request to purchase the land hatched in black on the plan at Annex G has been received from Mr. M. Smith of 17 Farnham Close, Auckland Park, Bishop Auckland for garden extension purposes. He would like to erect a conservatory on the rear of his property and if he was allowed to purchase the land it would compensate for the area lost by the erection of the conservatory.
3. Mr. Smith advises that the shrubs on the land are only pruned once a year, and on a windy day the place is an eyesore when the rubbish which accumulates there is blown about. He also states that the land is used as a toilet by children and dog fouling.
4. This parcel of land, together with other areas of open space, were gifted to the Council by Cala Management Limited on 9 April 2002; such transaction being subject to a covenant restricting the use of the land to that of open space. A further restriction prohibits the sale of land within 21 years from 9 April 2002 unless Cala Management Limited are given the opportunity to repurchase it.

consultations

acting director of community services

5. Whilst offering no objection of a technical nature to the sale of the land the Acting Director of Community Services advises that the applicant should be required to pay for the relocation, to the rear of the adjacent footpath, of the post mounted street nameplate which is on the land.

director of regeneration

6. The Director of Regeneration advises that the land contains a visibility splay for Farnham Close, and suggested that the views of the County Council be sought in respect of this. Planning permission for change of use of the land will be required.

highway development control section of durham county council

7. The County Council's Highway Development Control Section advise that the required visibility splay at the Farnham Close junction is indicated by the broken black line on the plan at Annex H and confirms that any land sale and enclosure must not bring a fence closer to the highway than this line.

cala management limited

8. Subject to them receiving 50% of the sale price plus the payment of their costs Cala Management Limited, who gifted the land to the Council on 9 April 2002, offer no objection to the disposal of the land.

open space advertisement

9. 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.
10. This exercise resulted in four letters of objection being received, and the main reasons given why the land should not be sold are as follows:-
 - a) The land is open space and it affects the overall look of the estate, and properties were purchased on the look and design of the estate as it is now.
 - b) The nicest part of the estate is the open space land.
 - c) The green shrubbery is far better than the land being fenced and possibly being used as a car parking area.
 - d) It is a nice area full of shrubs which separates Farnham Close from Westcott Drive.
 - e) Feel at a later date that the owners of 17 Farnham Close will use the land for the parking of cars.

author's comments

11. Subject to certain conditions being imposed officers have no objection to the land being sold. Cala Management Limited are agreeable to the proposed disposal subject to them receiving 50% of the purchase price and the payment of their costs.
12. The County Council state that no fence should be erected closer to the highway than the broken black line indicated on the plan at Annex H. The applicant is aware of this requirement and advises that he would like to erect a wall in the position indicated by the black line on this plan.

13. As a result of the County Council's requirement it will not be possible for the strip of land adjacent to the footpath to be fenced in. In the event of the request being approved the Council would not wish to be left with this strip of land and it would therefore need to be included in the sale, and a condition included that the applicant would concrete/tarmac the area to the Council's satisfaction.
14. However, the open space advertisement resulted in four letters of objection being received from members of the public, who for the reasons shown at paragraph 10 would not like to see the land sold. Comments on these objections are given in the following paragraphs.
15. Whilst it is acknowledged that this area of open space will be lost if the request is approved there is a large area of open space in the immediate vicinity of 17 Farnham Close.
16. In support of his request to purchase the land the applicant advises that rubbish which accumulates in the shrubs gets blown about on windy days making the place an eyesore.
17. Concern has been expressed that the applicant would use the land for car parking purposes. However, if the request was approved a covenant restricting the use of the land to that of garden purposes only would be included in the Transfer.

conclusion

18. There is no doubt, because of the number of letters that have been received, that there is objection to the disposal of the land. However, subject to certain conditions being imposed officers have no objection to the request being approved. If after considering the objections Members are of the view that the land should be sold I would recommend that the sale to Mr. Smith should be subject to the following terms and conditions.
 - a) Valuation to be agreed with, or given by, the District Valuer.
 - b) Land to be used for garden purposes only.
 - c) No fence/wall to be erected closer to the highway than the broken black line indicated on the plan.
 - d) Applicant to obtain planning permission for change of use of the land from open space to garden and erection of means of enclosure.
 - e) Applicant to be responsible for the cost of relocating the street nameplate.
 - f) Applicant to concrete/tarmac the strip of land adjacent to the footpath which has to remain unfenced to comply with Durham County Council's requirement.

- g) Applicant to be responsible for the Council's legal and valuation fees, and the costs of Cala Management Limited who are to receive 50% of the purchase price.
19. However, in line with the Council's policy of public speaking at this Committee the applicant and the objectors have been invited to attend this meeting to afford them the opportunity to present their respective cases to you.
20. Members' instructions are requested.

background documents

File Number 81364

Officer responsible for the report	Author of the report
Gary Ridley	Christine Graham
Director of Central Resources	Legal Executive
Ext 227	Ext 318
