



CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Director of Housing Services **LAND AT LYNNDALE, WOLSINGHAM**

purpose of the report

1. To seek permission to dispose of a site at Lynndale, Wolsingham at nil cost to Three Rivers Housing Association to meet the specific housing needs of a family in Weardale.

background

2. The Council owns a plot of land in Lynndale, Wolsingham shown at Annex 1. Two semi detached houses previously stood on the plot. These were demolished in the early 1990s because of structural problems although the services were left intact. The value of the plot on the open market is estimated at some £70 – 75,000 without planning permission.
3. The Council has been approached by a family in Weardale with exceptionally acute housing needs. Their current accommodation is a 3 bedroom housing association property in Frosterley. The family consists of:

<u>Person</u>	<u>Age</u>
Mother	34
Father	37
Child A	8
Child B	4

4. Child B has cerebral palsy, is spastic, quadriplegic, epileptic and is registered blind, he also uses a wheelchair. He relies on his family and carers to support his everyday functions. This means that his mother, as his principal carer, has to lift him. He has a daily programme of physiotherapy and his condition requires regular changes of clothing. He attends school in Wear Valley and is making good progress. All of the support for the family is in Weardale. The grandparents live in Stanhope and give a high degree of assistance. The community in Weardale also give help to the family. The family's social network is in Weardale.
5. Their current accommodation is causing serious problems for the family. The access is not suitable for a wheelchair as the layout of the downstairs does not provide enough privacy or space. As Child B grows it is becoming increasingly difficult to lift him and his carers are suffering back problems as a result. The

arrangement of lavatories and bathrooms is a particular difficulty. The property is very small and the equipment used for treatment makes the rooms cramped.

6. Child A has autism, epilepsy and learning difficulties. He is cared for by his parents.
7. The property in which they currently live cannot be adapted and does not meet the needs of the family. A search by the Council, Health Services and Social Services over the past three years have failed to identify any property that can be adapted to meet the needs of the family. Attempts have been made to use the Council's planning discretion to provide accommodation but these have been unsuccessful.
8. There is consensus amongst officers, health service staff and social services colleagues that:
 - The current accommodation is unsuitable and cannot be adapted.
 - The current accommodation is a potential risk to the carers and the development of Child A.
 - It is highly unlikely that a property in Weardale or any part off Wear Valley can be found to be suitably adapted.
 - The best option is purpose built accommodation.

proposal

9. The Council owns a plot of land at Lynndale, Wolsingham, which was previously occupied by a pair of semi detached homes. These were demolished in the late 1980s because they were structurally unsound. The plot has been vacant since then.
10. In 2005 the Council advertised the plot for sale by closed bid. The responses yielded a value of £70-76,500 without planning permission.
11. At the same time the plot was identified as being suitable for building a bungalow to meet the needs of the family. Three Rivers Housing Association has secured funding to develop a bungalow from the Housing Corporation. This allocation does not cover the cost of land.
12. The provision of a purpose built bungalow would satisfy the family's housing needs in the long term. The other options involving adaptation are not viable. Three Rivers Housing Association have had plans drawn up which show that a bungalow suitable for the needs of the family could be built on the plot at Lynndale. The family's occupational therapist has seen the outline plans and feels that they are satisfactory.
13. However for the scheme to be financially viable the Council will need to lease the plot to Three Rivers Housing Association and forgo a potential capital receipt.

14. It is proposed to lease the plot to Three Rivers Housing Association with a peppercorn rent and impose a restrictive covenant. The purpose of the restrictive covenant would be to preserve the bungalow for social housing purposes in the future.
15. To lease the plot may require the consent of the Secretary of State and the District Valuer.

legal implications

16. The Council has a duty under the Housing Act 1985 Section 8 to periodically review housing needs. In doing so the Council must have due regard to the Chronically Sick and Disabled Persons Act 1970 Section 3 which relates to the needs of this family.
17. The Head of Legal Services would be required to devise an appropriate lease and restrictive covenant and seek the proper permissions as required.

financial implications

18. The proposal requires the council to forgo a capital receipt of £70-76,500.

equality and diversity implications

19. The family has two severely disabled members. The Council has a legal duty to provide services on a fair basis to assist disabled people.

- RECOMMENDED**
1. Committee approves the proposal in paragraph 14 of this report.
 2. Committee instructs the Director of Housing Services to continue working with other agencies to solve the severe housing needs of this family.
 3. Committee instructs the Head of Legal Services to draw up and negotiate an appropriate lease and restrictive covenant as described in this report.

Officer responsible for the report	Author of the report
Gary Ridley	Michael Laing
Director of Central Resources	Director of Housing Services
Ext 227	Ext 281

CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Director of Central Resources

APPLICATION FOR CONTRIBUTION FROM THE COMMUNITY FUND – ST CATHERINE’S COMMUNITY ASSOCIATION

purpose of the report

1. To allow Members to consider a request from St Catherine’s Community Association for a donation from the Community Fund.

background

2. The refurbishment of the Community Centre in Crook was identified as a project by the Market Towns Initiative. Following this, funding of £164,000 was secured from SRB and ERDF initiatives.

current position

3. The refurbishment is now complete. However several unforeseen problems have had to be remedied, including asbestos removal, wet rot to flooring, rotten wooden lintels and stone repair work. These works resulted in an over spend of £7,000; a shortfall which the Association must secure by November 2005.
4. The Community Association believe that they can contribute £2,000 towards the shortfall, which will be secured from ongoing fundraising.
5. They have asked the Council to cover the balance of £5,000 with a contribution from the Community Fund.

benefits to the community

6. The refurbishment of the Centre has received excellent reviews from both old and new users. It provides recreational, cultural, health and learning opportunities to a wide spectrum of the community in Crook and surrounding area. Theatre productions and dances can now be held in the hall and two meeting rooms are available for public hire.

conclusion

7. Members instructions are requested.

Officer responsible for the report

Gary Ridley
Director of Central Resources
Ext 227

Author of the report

Linda Spence
Committee Administrator
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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Director of Central Resources **CAPITAL BUDGET MONITORING**

purpose of the report

1. To consider the capital expenditure of the Authority for the 2005/06 year to date against budget.

background

2. This report is in 6 parts shown at Annex 2. Each part considers a different service as follows:
 - Part 1 – Housing Services
 - Part 2 – Community Services
 - Part 3 – Central Resources
 - Part 4 – Regeneration
 - Part 5 – Management Support Unit
 - Part 6 – Summary
3. Each part provides details of each capital scheme, spend to 24 June 2005, projected outturn and comments on each scheme.
4. The budgets for externally funded schemes are split between income and expenditure to provide a more useful analysis.

conclusion

5. Part 6 of the report shows the projected capital outturn as being £6,788,000 compared to an original budget of £6,729,000. This is a difference of £59,000.
6. Overall, the 2005/06 projected outturn is affordable. The figures are subject to considerable change as they are based on slightly less than three months expenditure within the financial year.
7. The Council will receive significant receipts during 2005/06 and consequently will not be required to use any contributions from its revenue budgets to meet its expenditure on the capital programme. This will assist in ensuring that the levels of balances held on its General Fund and Housing Revenue Account are in accordance with its stated policy.

8. Expenditure against the agreed capital budgets will be monitored closely and further reports brought to members.

RECOMMENDED that Members note the report.

Officer responsible for the report

Gary Ridley
Director of Central Resources
Ext 227

Author of the report

Stuart Reid
Head of Finance
Ext 258

CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Director of Central Resources **REVENUE BUDGET MONITORING**

purpose of the report

1. To consider the revenue expenditure of the Authority for the period 1 April 2005 to 24 June of 2005/06, against budget.

background

2. This report covers the revenue expenditure of the Authority financed by the General Fund and the Housing Revenue Account (HRA).
3. The summary revenue position for financial year 2005/06 as at the end of 24 June 2005 for the General Fund is shown in Annex 3. The figures for the HRA are shown in Annex 4. The annexes compare the approved budget for each department against forecasted outturn for 2005/06. Major over and under spends within each departmental budget are noted.

conclusion

4. The forecasted outturn for the General fund indicates an underspend of £115,000 for 2005/06 at this stage although this represents only a snapshot in time and may alter significantly during the remainder of the financial year. Members should bear in mind that almost £0.5m of reserves is planned to be used in 2005/06 to support the General Fund revenue budget.
5. The forecasted outturn for the HRA is £36,000 worse than budget. This is largely due to increased repairs and maintenance costs due to backlog work being carried out in response to the storm damage that occurred in the early part of the year. This is partially offset by anticipated reduced security costs. It is unclear at this stage how this projected overspend is going to be managed.
6. Whilst the General Fund may appear to be slightly better than originally predicted at this stage, remaining within overall budget is dependent upon not filling certain posts and pressures resulting in temporary increases to staffing receding.
7. Revenue budgets continue to be closely monitored and further reports will be brought to Committee.

8. The projected spend on the General Fund for the year will not impact upon the Council's policy of maintaining a minimum reserve balance of £850,000. Similarly, the projected spend on the HRA for the year will not impact upon achieving a desired minimum balance of £1m.

RECOMMENDED that Members note the report.

Officer responsible for the report

Gary Ridley
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Author of the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Director of Central Resources **DRAFT AND UNAUDITED ANNUAL ACCOUNTS 2004/05**

purpose of the report

1. To seek Member approval of the draft and unaudited accounts for 2004/05.

background

2. It is a legal requirement for the Authority to prepare for Member approval draft and unaudited accounts prior to the commencement of the statutory external audit. Any subsequent material changes to the accounts will be reported back to Committee. In previous years the requirement has been to prepare the draft accounts by 30 September.
3. However, the Government have introduced changes which have had the effect of bringing forward the date by which the draft accounts have to be reported to Members, as follows:

Accounting year	Reporting date
2002/3	30 September
2003/4	31 August
2004/5	31 July
2005/6	30 June

4. The tighter deadline will place greater strain upon the accounting staff and requires support from other departments to ensure that the accounts are produced in a timely manner.
5. The early production of the Authority's accounts should assist in the forward planning processes of the Authority. Whilst a degree of accuracy may be sacrificed to achieve this deadline, staff will be looking to develop procedures to achieve early production of the accounts in accordance with the statutory timetable.
6. The 30th June deadline will be achieved next year by:
 - Conducting a post accounts process review in the current year to learn lessons
 - Liasing with departmental finance officers on their role

- Raising awareness of budget holders of their role through financial training which is currently ongoing
 - Analysis of monitoring reports to ensure reconciliation with other records
7. The draft Accounts have been prepared in accordance with the Accounting Code of Practice for Local Authorities in England and Wales and are shown at Annex 5. The major issues arising from the accounts are detailed below:

general fund

8. The General Fund accounts for the revenue costs such as salaries, repairs, supplies etc. associated with the provision of most of the Council's services such as leisure, planning, grounds maintenance etc. (excluding council houses). This is funded mainly through Government grant and partly by Council Tax.
9. The Council incurred a deficit of £505,962 on its General Fund in 2004/05. This compared to a budgeted deficit of £993,327 when the budget was set in February 2004.
10. The major reasons for the underspend were:
- Savings of £270,000 on net interest paid due to rescheduling of loans. This action was carried out as a result of advice given by our treasury management advisers.
 - Increased investment interest income of £166,000. This income increased due to better than expected levels of capital receipts and rising interest rates.
 - Increased planning and building control fee income of £134,000. This was due to the buoyancy of the property market. As this is driven by external factors it is very difficult to predict levels of income accurately.
 - Increased car parking income of £80,000 due to higher demand.
11. The Council's un-earmarked balance stands at £1,473,215 as at 31st March 2005. £466,000 of that balance is forecast to support the 2005/06 budget. The balance of £1,473,215 includes the minimum £750,000 working balance for the Council.

housing revenue account

12. The Housing Revenue Account (HRA) records the revenue costs associated with the Council's role as a landlord in providing housing. It is funded entirely by rental income.

13. The Council achieved a surplus of £770,000 on its Housing Revenue Account in 2004/05. This compared to a budgeted surplus of £835,000 when the budget was set in February 2004.
14. The minimum projected working balance for the HRA was £500,000. This was achieved as the Council's un-earmarked balance stands at £561,000 as at 31st March 2005. A £497,000 surplus is budgeted in 2005/06 that will further increase this balance. This will give the Housing Revenue Account a degree of stability after some serious financial difficulties in recent years.

capital

15. The capital account records income and expenditure associated with the purchase or renovation of assets such as council houses, land, buildings, vehicles and computer systems. It also includes the provision of grants for the renovation of private sector housing.
16. The Council spent net of external funding £5,281,000 in 2004/05. This compares to a budgeted spend of £5,509,000. The major reasons for the underspend were:
 - Lower investment in private sector grants and development compared to budget mainly due to programme slippage
 - Lower investment on Council properties to ensure compliance with the Disability Discrimination Act mainly due to programme slippage. A programme of work is currently ongoing.
17. As at 31st March 2005 the Council had available capital receipts of £4,541,000 from the sale of assets in previous years. A significant proportion of these is being used to support capital expenditure in 2005/06.
18. Whilst the Council has recently received significant sums for the sale of land and property, use of the receipts available to support capital expenditure must be balanced against the interest earned from its investment which will contribute towards balancing the revenue account in the next few years.

other items of note

19. The Council's overall outstanding debt fell by over £4m. This is due to early repayment of debt being financed through improved cash flow to the Council.
20. The Council has re-valued all its assets excluding its housing stock as required by the accounting code of practice. The previous revaluation was five years ago. This resulted in the net value of surplus Council land and buildings increasing from £0.82m as at 31st March 2004 to £13.2m as at 31st March 2005.
21. The Council's cost of pension contributions increased from £1.59m to £1.67m. This figure includes the costs for retired employees who have been granted early retirement or received additional years to their pension.

22. The Council's Collection Fund which accounts for council tax collected by the Council and pays out precept monies to Durham County Council, Durham Police Authority, Durham and Darlington Fire and Rescue Authority as well as Wear Valley District Council achieved a surplus of £358,000 during 2004/05. The majority of this surplus is repaid in subsequent years to the County Council as the largest preceptor.
23. The amounts owed back to Government for benefit subsidy and national non-domestic rates collected as at 31st March have increased by £2.4m. This has no negative financial impact upon the Council but merely reflects the timing of receipt of monies.

- RECOMMENDED**
1. Members note the report.
 2. Members are recommended to agree the draft and unaudited accounts for 2004/05.
 3. The Chairman of the Committee signs the accounts.

Officer responsible for the report

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Director of Central Resources
Ext 227

Author of the report

Stuart Reid
Head of Finance
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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

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

purpose of the report

1. To consider the work undertaken in respect of the insurance section during 2004/05.

background

2. Members will recall that at the Central Resources Committee on 5 June 2002 an insurance framework was agreed. This framework is a part of the Authority's approach to risk management. The Authority uses insurance to:

- Safeguard its assets
- Minimise costs and risks of service provision
- Protect its reputation
- Contribute to achieving its aims and objectives.

and as such forms an important part of day to day management of the Authority.

3. Part of the insurance framework is concerned with reporting requirements. The remainder of this report details the information required to be reported in line with the framework.

summary of insurance work carried out in year

4. The following summarises the number of claims arising during 2004/05:

Public Liability	53
Employers Liability	2
Vehicles	49
Property Related	3
Land Charges	1

types of insurance cover in year

5. The following insurance cover was provided during 2004/05 and the associated excess limits are shown where relevant:

Type	Excess	Summary of Cover
Housing General Properties	10,000 Nil	Under this blanket policy cover is provided against losses suffered to the property specified in the Policy being damaged or destroyed by fire. The basic cover also includes loss or damage by lightning and, to a limited extent, explosion
Work in Progress Additional Expenses Loss of Rent	Various Nil Nil	
All Risks	250	The All Risks Policy gives very wide cover, premiums are comparatively high, therefore, this is only used in special circumstances. Such articles covered are art, special technical equipment and civic regalia
Plate Glass	100	This covers damage to fixed glass and associated framework caused by accidental breakage, malicious persons, theft or attempted theft. Only properties on the schedule are covered
Theft	1,000	The policy covers loss of property due to theft following the forcible or violent entry to or exit from a building. Damage to the building is included
Money	50	The purpose of the insurance is to provide an indemnity against the loss of money/cheques from an cause and from any of the locations specified in the Policy or in transit
Motor	5,000	The purpose of the motor policy is to provide protection against loss which may result from the ownership or operation of a motor vehicle
Engineering – Inspection	Nil	

Type	Excess	Summary of Cover
Engineering – Insurance	100	This policy covers certain items of equipment which are periodically examined by an engineer from the insurance company. Various Acts of Parliament have imposed a duty on owners and users of certain items of plant to have them inspected and tested periodically
Loss of Stock	5% of loss	The Policy insures the contents against damage in the two freezers and refrigerator at Woodhouse Close Leisure Complex
Public Liability	26,000	This policy deals with claims from the public, and staff, for accidental bodily injury or damage to property
Employers Liability	10,000	This protects the employer against his legal liability to pay compensation to any of his employees who may sustain bodily injury or contract a disease in the course of and arising out of their employment
Officials Indemnity	Nil	This provides an indemnity to the Council against its legal liability to compensate third parties for financial loss occasioned by any negligent act, error or omission committed or alleged to have been committed by employees of the insured in the course of their duties
Libel and Slander	Nil	A public authority, elected members, employees and governors may incur legal liability to compensate a third party as a consequence of libel appearing in publications or slanders uttered by the members or officers

Type	Excess	Summary of Cover
Land Charges	Nil	This policy covers any financial loss, including claimants costs and expenses, arising from or in consequences of any act or omission of the Council or any employee, in respect of information provided or made available on questions of fact concerning land or buildings
Public Health Act	Nil	The Authority is insured for sums which it is legally liable under the terms of any legislation pertaining to public health to any person who complies with a notice to cease work
Personal Accident - Volunteers	Nil	Payments are made under these policies if the insured person is killed or injured as a result of an accident whilst undertaking his/her duties
Personal Accident - Members	Nil	
Personal Accident - Assault	Nil	
Personal Accident - All Duty	Nil	
Computer	Nil	This policy covers the main computer installation at the Civic Centre, Crook and associated equipment at various locations
Computer (Additional)	Nil	
Fidelity Guarantee	Nil	This insurance protects an employer against financial loss resulting from the dishonesty of his employees
Travel	Nil	This Policy covers employees, members and any members of their families accompanying them on journeys made in connection with the business
Motor Car Credit Guarantee	Nil	Indemnifies the Council in respect of losses, costs, charges or expenses which may be incurred through the failure of any borrower to make repayments of a loan advanced by the Council for the purchase of a motor vehicle

Type Excess Summary of Cover

deviations from agreed policy and strategy

6. There were no significant deviations from the strategy in 2004/05. However, the department needs to become more effective in monitoring the processing of claims to ensure that they are “turned around” within agreed timescales.

performance indicators

7. The following performance indicators are included in the insurance framework:

	2002/03	2003/04	2004/05
(1) Employer staff liability claims/100 staff	0.80	1.20	0.40
(2) Public liability claims/1000 population	0.90	0.80	0.89
(3) Vehicle claims/10 vehicles	3.00	4.20	4.45

RECOMMENDED that Members are asked to note the performance information contained within the report.

Officer responsible for the report	Author of the report
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Director of Central Resources	Director of Central Resources
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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Director of Central Resources
RISK MANAGEMENT

purpose of the report

1. To update Members in relation to the above.

background

2. Members will be aware that the Council adopted a risk management strategy in 2002. Part of the strategy includes an annual update to Members on how risks are being managed.
3. Following work done by senior staff within the Authority, the following table shows the risks that have been identified as being most important to the Authority. The table also shows progress during 2004/05 in managing these risks.

Corporate Operational Risk	Progress during 2004/05	Responsibility
1. Staff Levels/ Workloads	1. Issues of work load/staff levels discussed as part of personal development planning process between staff and line manager.	Directors/Human Resources
2. Staff Sickness/ Absence/Stress	1. Best Value Performance Indicator included as a "low performing BVPI" and monitored quarterly by Management Team and Members. 2. All Managers have attended/to attend sickness absence procedure training. 3. Review of sickness absence procedure carried out and reported to Management Team.	Human Resources/ Directors

Corporate Operational Risk	Progress during 2004/05	Responsibility
	<ol style="list-style-type: none"> 4. Stress awareness training to staff now complete. 5. 3 year BVPI target set for improvement (2004/05 to 2006/07). 	
3. Staff Accidents	<ol style="list-style-type: none"> 1. Revised procedure agreed by Policy and Strategic Development Committee. 	MSU
4. Financial Management/Control	<ol style="list-style-type: none"> 1. Improved reporting of financial management information to Management Team and Members introduced. 2. Agresso financial system introduced. 3. Financial management system training provided. 4. Additional post created for financial management as part of 2004/05 budget. 5. Adoption of Prudential Code from 1 April 2004. 	Director of Central Resources
5. IT Systems Failure	<ol style="list-style-type: none"> 1. Consultant appointed to progress recommendations included within the External Audit reports relating to IT security and disaster recovery. 2. Capital resources secured for disaster recovery hardware/software as part of 2005/06 capital budget. 	Director of Central Resources
6. Asset Management/Capital Investment	<ol style="list-style-type: none"> 1. Adoption of Prudential Code from 1 April 2004. 2. Progress made on DDA (see 14 below). 	Director of Central Resources

Corporate Operational Risk	Progress during 2004/05	Responsibility
7. Office Environment – Open Plan/ Workstations not Health & Safety Compliant	<ol style="list-style-type: none"> 1. No significant progress made. 2. Improved use made of Royal Corner by Council staff and External Audit staff. 3. Improved use made of Old Bank Chambers by Council staff. 4. Introduction of homeworking for selected staff (e.g. benefits staff). 	Director of Central Resources
8. Lack of Staff Training/ Failure to achieve IIP Ideals	<ol style="list-style-type: none"> 1. Increased budget of £25,000 agreed in 2004/05 to improve middle management capacity. 2. Consultants appointed to re-write Human Resources strategy as per Council Plan. 	Director of Central Resources
9. Threats/Violence against Staff	<ol style="list-style-type: none"> 1. Policy and guidance agreed at Policy and Strategic Development Committee. 	MSU
10. Lone Workers (inside and out)	<ol style="list-style-type: none"> 1. Policy and guidance agreed at Policy and Strategic Development Committee. 	MSU
11. Contractors failure to follow Health & Safety requirements	<ol style="list-style-type: none"> 1. No progress made. 	MSU
12. Health & Safety of Customers	<ol style="list-style-type: none"> 1. Addressed through the Emergency Response policy. 2. Training to be undertaken. 	MSU
13. Health and Safety Risk Management – COSHH policy	<ol style="list-style-type: none"> 1. The policy has not been renewed. 	MSU
14. Failure to meet the Disability Discrimination Act	<ol style="list-style-type: none"> 1. Policy relating to DDA agreed at Central Resources Committee. 	Director of Central Resources

Corporate Operational Risk	Progress during 2004/05	Responsibility
	<ul style="list-style-type: none"> 2. DDA training delivered to staff. 3. Capital works carried out to public buildings e.g. Leisure Centres, Civic Centre, Community Centres etc. 4. Capital resources secured to continue capital works to public buildings as part of 2005/06 capital programme. 	
15. Security of Premises/ Equipment	1. Report produced for Management Team on security issues in Civic Centre.	Director of Central Resources
16. Prescribed Industrial Diseases/ Needlestick Injuries	1. Training to departments given on request.	MSU
17. Complaints Procedures	1. Complaints Procedure now introduced and operational via the web.	Director of Central Resources
18. E-government and Property Gazetteer	<p>1. Comprehensive risk log identified. Work progressing on:</p> <ul style="list-style-type: none"> (a) BVPI157 – target is 71% by 31 March 2005. Current actual performance was 87%. (b) Priority Service Outcomes – separate progress report presented to special Central Resources Committee 1 July 2005. (c) Change Management – limited progress to date as emphasis is on achieving BVPI157 and priority service outcomes. 	Director of Central Resources

Corporate Operational Risk	Progress during 2004/05	Responsibility
19. Property/Facilities Management	1. Improvements to properties re: DDA made (see 14 above). 2. Ongoing planned maintenance programmes developing for Council assets (offices and common rooms).	Director of Housing Services/ Director of Central Resources
20. ALMO	5. Successful bid made for inclusion on ALMO list. 6. External facilitated workshop held to identify key issues.	Director of Housing Services
21. Gershon	1. 2005/06 efficiency statement produced and submitted to ODPM. Priority areas to be examined include procurement, asset management, joint working and human resources issues.	Director of Central Resources

4. The above shows that progress is being made on managing the Council's key operational risks. This will continue into 2005/06 and beyond.

links to service plans

5. It is important that the Authority embed risk management into its day to day operations. This requires a link between risk management processes and departmental service plans. Each department is in the process of identifying its key departmental risks and including them in their service plans. Each risk has a nominated individual responsible for progressing the risk. The management of the above risks will result in improved services/improved continuity of services to both internal and external service users. This will assist in the Authority achieving its business objectives.

strategic risks

6. Officers are in the process of identifying strategic risks in conjunction with the Authority's external insurance providers. This work will involve Members.

RECOMMENDED that Members note the report.

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group

LAND AT THE REAR OF 3 CHAPEL TERRACE, ROOKHOPE

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 Ms. R. Collins of 3 Chapel Terrace, Rookhope to purchase the land shown hatched black on the attached plan at Annex 6 for the purposes of owning the rear access area to her property, to allow more light into her property and also to allow car parking at the rear to relieve parking congestion at the front of her property.

consultations

3. The Director of Regeneration confirms that planning permission will be required to use the land as a private garden/parking area. He also states that if there is no longer a demand for the four garages then he would have no objection to the sale of the land.
4. The Acting Director of Community Services states that although he has no objection to the sale of the land, he would be guided by the views of the Director of Housing Services.
5. The Director of Housing Services raises objection to the proposal as parking problems exist in Rookhope. The existing garages are all tenanted and the Director of Housing Services is not prepared to serve the required notice to quit on the tenants, thereby causing more parking problems.

conclusion

6. The application should be refused as the sale of the land would result in increased parking problems.

RECOMMENDED

1. That Ms Collins' request to purchase the land be refused, as the Director of Housing is unable to support the proposal.
2. However in line with the Council's policy of public speaking at this Committee Ms Collins has been invited to attend this meeting to afford her the opportunity to present her case to you.

background papers

File no. 81431

Officer responsible for the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group

LAND AT THE REAR OF CARLISLE HOUSE, 4 CHAPEL TERRACE, ROOKHOPE

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. & Mrs. J. Bergin of Carlisle House, 4, Chapel Terrace, Rookhope to purchase the land which is shown hatched black on the attached plan at Annex 7. The land is currently rented to them as a garage plot but the applicants wish to purchase the said land.

consultations

3. The Director of Regeneration confirms that there is no objection to the existing use being allowed to continue. However, he would not support the sale of the land as he feels the Council should retain ownership in view of the proximity of the garage to No. 3 Chapel Terrace.
4. The Director of Community Services feels that the land containing the garages comprises part of a large plot owned by the Council, which area is sited within the settlement boundary and could be sold for residential purposes, subject to suitable access being constructed, to a future buyer. Selling off individual garage plots may affect the future saleability of the land and may leave the Council with maintenance liabilities of any remaining garages and the forecourt.
5. The Director of Housing Services raises no objection to the proposal of Mr. & Mrs. Bergin but he also agrees that there is not much parking available in Rookhope.

conclusion

6. The application should be refused as the land could be of more benefit to the Council if sold in the future for residential purposes subject to the relevant permissions being granted.

- RECOMMENDED**
1. That Mr. & Mrs. Bergins request to purchase the land be refused, as the Directors of Regeneration and Community Services would be unable to support the proposal.
 2. However in line with the Council's policy of public speaking at this Committee Mr. & Mrs. Bergin have been invited to attend this meeting to afford them the opportunity to present their case to you.

background papers
File no. 81431

Officer responsible for the report
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Director of Central Resources
Ext. 227

Author of the report
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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group

LAND AT THE REAR OF 61 ARMSTRONG DRIVE, WILLINGTON

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. & Mrs. J. F. Spors of 61 Armstrong Drive, Burn View, Willington to purchase the land shown hatched black on the attached plan at Annex 8 for the purpose of extending their garden.

consultations

3. The Director of Regeneration confirms that he would not support an application for planning permission for change of use from public open space to garden land. There are trees on the land, the loss of which would be detrimental to the area.
4. The Director of Community Services raises no objection of a technical nature to the sale of the land.

author's comments

5. The application should be refused, as the Director of Regeneration would not support an application for planning permission for change of use from public open space to garden land.

- RECOMMENDED**
1. That Mr. & Mrs. Spors' application to purchase the land shown hatched black on the attached plan be refused.
 2. However, in line with the Council's policy of public speaking at this Committee, the applicant has been invited to attend this meeting.

background papers

File no. 81437

Officer responsible for the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group

LAND ADJOINING 2 BEECHWOOD DRIVE, BISHOP AUCKLAND

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. J. Heels of 2 Beechwood Drive, Bishop Auckland to purchase the land shown hatched black on the attached plan at Annex 9, which is a small woodland area. He confirms he will maintain the land, which is overgrown and full of weeds. Mr. Heels has also cleared away rubbish, which has been deposited on the land.

consultations

3. The Director of Regeneration confirms that he could not support the sale of the land. The land includes a tree belt, which he feels the Council is best able to maintain.
4. The Director of Community Services states that although he has no objection to the sale of the land, he would be guided by the views of the Director of Regeneration as the application would involve the change of use from an area of woodland to a private garden. He would also suggest a 2 metre strip of land, which contains streetlights and cables, be retained in order that the County Council can maintain the same.

conclusion

5. In line with the comments submitted by the Director of Regeneration, the application should be refused as the Council is best placed to maintain the land as woodland.

- RECOMMENDED**
- 1 That Mr. Heel's request to purchase the land be refused, as the Director of Regeneration cannot support the application.
 2. However in line with the Council's policy of public speaking at this Committee Mr. Heels has been invited to attend this meeting to afford them the opportunity to present their case to you.

background papers

File no. 89053

Officer responsible for the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group
LAND ADJACENT TO 73 FRONT STREET, WEST 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 grassed area of land edged in black on the plan at Annex 10 has been received from Mrs. C. Storey of 73 Front Street, West Auckland, for garden extension purposes with the area shaded black being gravelled to provide off street parking. Mrs. Storey indicates that she would like to replace the existing unsightly fence with a stone wall.
3. In support of her request Mrs. Storey states that since the shop opened in nearby Front Street she is having difficulty parking at the front of her property. Cars are also now parking in New Street but because of the heavy traffic now using this street it is too narrow.

consultations

4. The Acting Director of Community Services has no objection to the sale of the land, but advises that Durham County Council would normally require a minimum 0.5 metre set back distance from the edge of the road before the wall can be erected.
5. Durham County Council confirm that they will require a minimum of 0.5 metre clearance from the highway boundary to any obstruction, and that there are B.T., Northumbrian Water and possibly other services within the land. They advise that if it is intended to access the proposed parking area from the highway an additional length of dropped kerbs will be required. It is also important to note that any wall erected does not interfere with highway visibility.
6. Director of Regeneration advises that planning permission will be required for change of use of the land to garden land. However, as he considers that enclosure of the land would be harmful to the street scene he would not support the sale of the land.

conclusion

- 7. As the Director of Regeneration is unable to support the sale of the land it is recommended that the request from Mrs. Storey to purchase land adjacent to her property be refused.
- 8. However, in line with the Council's policy of public speaking at this Committee Mrs. Storey has been invited to attend this meeting to afford her the opportunity to present her case to you.

RECOMMENDED that Mrs. Storey's request to purchase the land be refused for the reason detailed in paragraph 7.

background papers

File Number 81408

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

27 JULY 2005

Report of the Asset Management Group

LAND TO THE SOUTH OF RUTLAND STREET, LEEHOLME, BISHOP AUCKLAND

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 Mrs. B. Lee of 4 Rutland Street, Leeholme, Bishop Auckland to purchase the land shown cross hatched black on the attached plan at Annex 11 for the purpose of off-street parking.

consultations

3. The Director of Regeneration confirms that he would not support an application for planning permission to provide an off road car parking area on the piece of land. The grassed area and the hedge provide an attractive transition between the built up area and the countryside.
4. The Director of Community Services raises no objection to the sale although he confirms he would be guided by the comments of the Director of Regeneration. He also confirms that the land in question may contain a street lighting cable. Therefore should the land be sold then the Durham County Council may require an easement for possible future access. There are also kerbstones abutting the land and the Applicant would need to discuss her proposals with the County Highway Inspector before proceeding further.
5. The Director of Housing Services raises no objections to the land being sold for off street parking.

conclusion

6. The application should be refused as the Director of Regeneration would not support an application for planning permission to provide an off road car parking area.
7. However, in line with the Council's policy of public speaking at this Committee, the applicant has been invited to attend this meeting.

RECOMMENDED that Mrs. Lee's application to purchase the land shown cross-hatched black on the attached plan be refused.

background papers

File no. 81402

Officer responsible for the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group
FORMER CONVENIENCES, WESTGATE

purpose of the report

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

introduction

2. A request has been received from Mrs. M. Curry of Sweet Briar, 34 Front Street, Westgate in Weardale to purchase the land shown hatched black on the attached plan at Annex 12. The reason for the request is that she is currently converting her father's former workshop into a house and wishes to purchase the land for the purpose of unloading materials and the storage of materials.

consultations

3. The Director of Regeneration confirms that planning permission would be required to use the land for the purpose proposed by the Applicant. He does not think the proposal is suitable, as the land is adjacent to a very narrow public highway in the centre of the Westgate conservation area. He also states that the proposal would be detrimental to highway safety.
4. The Director of Community Services states that although he has no objection to the sale of the land, he would be guided by the views of the Director of Regeneration.

conclusion

5. The application should be refused in line with the comments of the Director of Regeneration.

- RECOMMENDED**
1. That Mrs. Curry's request to purchase the property be refused, as the Director of Regeneration would not be unable to support the proposal.
 2. However in line with the Council's policy of public speaking at this Committee Mrs. Curry have been invited to attend this meeting to afford her the opportunity to present her case to you.

background papers

File no. 81429

Officer responsible for the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group

MINOR LAND DISPOSALS AND RESTRICTIVE COVENANTS

purpose of the report

1. To inform Members of changes to the terms and conditions to be imposed in the disposal of minor areas of land.

background

2. Restrictive covenants have become an increasingly popular method of controlling the future use of land. This has generally impacted upon the value of such land, however, restrictive covenants are not without problems:
 - a. They can prove difficult to enforce. It is necessary to have notice of a breach which is generally reliant on Officers or Members knowing of the restriction and reporting any breach. As time passes the chances of notice of a breach will diminish.
 - b. The Council may not be able to enforce the restrictive covenant where the original buyer sells on the property and the Council retains no land which benefits from the covenant.
 - c. Application can be made to the Lands Tribunal for the discharge or modification of a restrictive covenant where the:
 - Character of the property or neighbourhood have changed
 - Continued existence would impede the reasonable use of the land
 - Persons entitled to the benefit of the restriction will not be injured.
3. The District Valuer has brought to our attention two recent Lands Tribunal cases where restrictive covenants were modified yet the compensation payable to those having the benefit was considerably less than the current land value.

proposal

4. Given the possible problems with restrictive covenants and following discussion with the District Valuer it is considered that future disposals of minor areas of land should be on an unencumbered basis i.e. there should be no restrictive covenants imposed and the value shall similarly not be restricted. Restrictive covenants and planning control remain mutually exclusive so the use and value of the land will still be tempered by the planning regime.
5. It is proposed that this change be brought into effect immediately but that it should also be applied to any outstanding matters where there is a greater risk that a restrictive covenant will not be enforceable.

financial implications

6. It is probable that the value of minor land disposals will increase. This may lead to an increase in capital receipts but is also likely to lead to a greater number of prospective buyers choosing not to proceed.
7. The proposal will reduce the costs to the Authority as there will be no restrictions to enforce.

RECOMMENDED that Members agree the exclusion of restrictive covenants from the terms and conditions of minor land disposals.

Officer responsible for the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group
BUILDING PLOT AT DURHAM ROAD CROOK

purpose of the report

1. To seek Committee approval to change the name of the Buyer of the land at the above location.

background

2. At a meeting of the Central Resources Committee held on 8 June 2005, the Committee resolved to sell the land to Mr. Graeme Blenkinsopp who offered the highest amount following the usual marketing and tender procedure.

proposal

3. Mr. Blenkinsopp has now requested that the land be purchased in the name of Another Wisemove Limited, of which he is a Director, rather than in his sole name.

RECOMMENDED that the land be sold to Another Wisemove Limited on the same terms and conditions agreed at the Central Resources Committee held on 8 June 2005.

Officer responsible for the report

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CENTRAL RESOURCES COMMITTEE

27 JULY 2005

Report of the Asset Management Group
PLOT 6 SOUTH END VILLAS, CROOK

purpose of the report

1. To seek Committee approval to change the name of the Buyer of the land at the above location.

background

2. At a meeting of the Central Resources Committee held on 8 June 2005, the Committee resolved to sell the land to G Blenkinsopp who offered the highest amount following the usual marketing and tender procedure.

proposal

3. Mr. Blenkinsopp has now requested that the land be purchased in the name of Another Wisemove Limited, of which he is a Director, rather than in his sole name.

RECOMMENDED that the land be sold to Another Wisemove Limited on the same terms and conditions agreed at the Central Resources Committee held on 8 June 2005.

Officer responsible for the report

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