

## **EXECUTIVE**

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on Tuesday, 2<sup>nd</sup> March, 2004 at 4.30 p.m.

### **PRESENT:**

Councillor A. Watson, Chair

Councillors W. Armstrong, Mrs. E.J. Coulson, J. Huntley, O. Johnson, D.G. Llewellyn and A. Taylor.

### **APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor M.J. Malone

### **IN ATTENDANCE**

Councillor J. Pickersgill

## **110. MINUTES**

The minutes of the meeting held on 2<sup>nd</sup> February, 2004 were agreed as a correct record.

## **111. SINGLE PROGRAMME DELIVERY PLAN**

Councillor D.G. Llewellyn presented the report which provided an update on the range of projects being delivered by the Development Team with funding from the One North East, Single Programme 2004/06. In particular, the report sought authority to progress a range of key projects including the provision of additional business floor space, enhancing business support services and investing in the District's commercial centres.

### **Options:**

- (1) Whether or not to agree to progress the range of projects identified in the report, this will support key Corporate and Economic Development aims and objectives and maximise the available public and private sector funding already programmed for 2004/05 and 2005/06.

- (2) Whether or not to modify the existing projects and services whereby it may still be possible to meet key aims and objectives however, there is likely to be a negative impact on the level of funding that could be available for the District.

**RESOLVED:** that the range of projects identified in the report be agreed including the purchase of land at Consett Business Park. A further report giving an update on progress of all the projects identified in the report be presented to a future meeting.

**Reason:** The projects and services support key Corporate and Economic Development aims and objectives and maximise the available public and private sector funding already programmed for 2004/05 and 2005/06.

## **112. HOME MAINTENANCE GRANTS – CHANGE TO QUALIFYING CONDITIONS**

Councillor W. Armstrong presented the report which sought approval to a change in the qualifying conditions associated with the award of Home Maintenance Grants, to allow some residents to receive financial assistance even though their names do not appear on the deeds of the property.

### **Options:**

- (1) Retain the existing policy to only entertain applications from residents who meet the qualifying conditions outlined in Paragraph 2.2 of the report.
- (2) Relax the existing policy in relation to cases of the type outlined in the report.

**RESOLVED:** that the qualifying conditions in relation to Home Maintenance Grants be changed to include an occupier who, whilst not strictly being the legal owner of the dwelling, would nevertheless, under intestacy rules, be the sole beneficiary of the property.

**Reason:** The award of assistance in respect of cases of this nature is consistent with the aims of awarding Home Maintenance Grants and it is likely that applications of this nature will be very rare.

## **113. CHOICED BASED LETTINGS**

Councillor J. Huntley presented the report which updated Members on the current position with regard to Choice Based Lettings and proposed a

timetable in order to progress initiatives that are within the Government's agenda on Choice and E-Government.

**Option:** Whether or not to agree to the extension to the Choice Based Lettings and Marketing post as detailed in the report.

**RESOLVED:** that:-

- (1) Approval be granted for the 12 month extension to the Choice Based Lettings and Marketing post as detailed in the report;
- (2) The source of funding be a bid to the core Housing Revenue Account.

**Reasons:** The ODPM's Allocation of Accommodation Code of Guidance Document places an obligation on Local Authorities to have a statement of Choice in their Allocations Policy and to operate an allocations system that allows existing tenants and new applicants equal access to re-housing. To comply with the Government's wish for 25% of Local Authorities to adopt Choice Based Lettings schemes by 2005 and 100% by 2010.

#### **114. DERWENTSIDE CRIME AND DISORDER AUDIT 2004**

Councillor J. Huntley presented the report which outlined the Council's statutory duty to participate in conducting an audit of crime and disorder concerns, set out a timetable and recommended a course of action to take in complying with that statutory duty.

**RESOLVED:** that:-

- (1) The report be noted;
- (2) The working group referred to in the report be requested to ensure participation in the audit and strategy process as outlined, and their terms of reference amended accordingly;
- (3) The Local Performance Indicator be set out as in Section 5 of the report.

**Reasons:**

- (1) To comply with Statute
- (2) To enable the Council to contribute effectively to its corporate aim of working with others to make Derwentside a safer place in which to live and work.
- (3) To ensure that the process accords with the Council's Corporate and Performance Management Framework.
- (4) To address identified weaknesses in monitoring both the performance of the strategy at a corporate level, and the Council's response to its obligations under S.17 of the Crime and Disorder Act.

**115. SCRAMBLER BIKES AND OTHER OFF-ROAD VEHICLES IN DERWENTSIDE**

Councillor J. Huntley presented the report which advised of the views of the Community Safety Scrutiny Panel on the subject of Scrambler Bikes and other off-road vehicles in Derwentside. The Executive had earlier referred this matter to Scrutiny.

**Option:** Whether or not to agree to the recommendations of the Community Safety Scrutiny Panel regarding Scrambler Bikes and other Off-road vehicles in Derwentside.

Councillor Watson asked questions as to whether it was possible to consider the former Steelworks site as a suitable venue for off-road vehicles. In response, the Divisional Head of General Services advised that this particular site had been proposed for this purpose shortly after the closure of the Steelworks, however, it had proved difficult to obtain the necessary insurance policies.

Councillor Taylor advised that most Ward Councillors had received complaints regarding this issue and suggested that other Local Authorities be contacted and information requested on how other Councils are responding to the issue of off-road vehicles.

Councillor Watson believed that the Council should continue to look for solutions to this problem and suggested that Scrutiny be requested to engage with users of off-road vehicles, interested stakeholders and national bodies or organisations and associations connected to off-road vehicles in an attempt to find an acceptable solution. He also requested that Scrutiny further investigate what other local authorities have put in place to address these problems.

**RESOLVED:** that:-

- (1) the Community Safety Scrutiny Panel be requested to further investigate this problem by contacting other authorities and engaging with users, stakeholders and national bodies/organisations of off-road vehicles;
- (2) where scrambler biking or use of off-road motor vehicles takes place without proper supervision on non-Council owned land, and which does not comply with the criteria set out in the report, then the Council encourages landowners to prohibit that activity;
- (3) any further requests to designate land for this purpose be considered in accordance with the criteria set out in the report;
- (4) in the interests of promoting a more responsible approach to this activity, the Council would ask that any private landowners considering allowing their land to be used for these activities consult in advance with the Council's Planning and Environmental

- Health Officers;
- (5) the Council would also encourage publicity for such properly run events outside the District;
  - (6) the Derwentside Local Strategic Partnership and the Derwentside Crime and Disorder Reduction Partnership be asked to endorse this approach.

#### **116. RECYCLATES CURTILAGE COLLECTION SERVICE**

Councillor O. Johnson presented the report which advised Members of the current performance and financial position in relation to the Kerbside Collection Service. In light of the report he advised that he reluctantly recommended the Council reject the request for bonus payments.

**Option:** Whether or not to agree to the recommendations in the report regarding the service.

**RESOLVED:** that:-

- (1) in view of the additional cost of the service, the Council make provision to meet these costs for this financial year of £82,000;
- (2) the Council commit to continuing the kerbside collection of recyclates in order to ensure that the Council will meet its current statutory target and build towards its target for 2005-2006. Therefore a budget for 2004-2005 be set at £80,000 to meet operating costs.
- (3) the recommendation at 5.3 of the report be not accepted however, if savings can be identified from service change to meet the costs of the completion payments a further report to seek approval of the payments to be made to be submitted to a future meeting;
- (4) The promotion of the recycling service be continued to maximise participation levels. This will be linked to the analysis of area participation through the scanners data and the development of the draft Derwentside Waste Strategy recently discussed by Scrutiny.

**Reason:**

- (1) To continue to provide the kerbside collection service and to meet the operating costs of the service.
- (2) To work towards the Council meeting its Statutory Targets and build towards targets for 2005-2006.

**117. NEW 3-YEAR PARTNERSHIP AGREEMENT,  
ARTS COUNCIL, ENGLAND**

Councillor A. Taylor presented the report which sought formal approval for implementation of a new three year Partnership Agreement between this authority and the Arts Council England, North East.

**Option:** Whether or not to approve the broad terms of the proposed new three year Partnership Agreement as presented in the report.

**RESOLVED:** that the new three year Partnership Agreement as set out in the report between Derwentside District Council and the Arts Council, England, North East be agreed to be implemented with effect from 1<sup>st</sup> April, 2004.

**Reason:** Rejection of the new agreement would have no positive outcomes as the authority would lose external funding of at least £21,220 in 2004/05 as well as similar levels of grant in the subsequent two financial years.

**118. COMPREHENSIVE PERFORMANCE ASSESSMENT – THE  
WAY AHEAD**

Councillor Watson presented the report which gave details of the Audit Commission's Consultation Paper 'CPA 2005 – The Way Ahead'. The main proposals contained within the consultation documents that will affect District Councils are:-

- (a) Opportunities for re-categorisation
- (b) Alignment of CPA for District Councils and County Councils and
- (c) Changes to the methodology.

**Option:** Whether or not to agree to retrospective approval to the response as contained in Appendix 2 of the report.

**RESOLVED:** that the changes being proposed to the Comprehensive Performance Assessment be noted and that retrospective approval to the response as contained in Appendix 2 of the report be agreed.

**Reason:** To enable this authority's response to the Audit Commission to be included in the consultation process.

**Prior to consideration of the next item the Chairman proposed and it was agreed that Items 13 and 14 on the Agenda would be taken as the next items.**

## **119. ADAPTATIONS FOR THE DISABLED – PUBLIC SECTOR**

Councillor J. Huntley presented the report which had been produced in response to concerns as to whether the Council's existing policy and financial resource in respect of the adaptations service is appropriate and sufficient to achieve the health related aims and objectives contained within the Corporate Plan. The Community Safety Scrutiny Panel had considered this report on 22<sup>nd</sup> January, 2004.

**Option:** Whether or not to make the changes to the Adaptations service.

The Executive Director advised that it was important that Scrutiny be made aware of the purpose of the fund which was a property based issue and not a poverty or old age issue.

**RESOLVED:** that the issue be referred to Scrutiny for further in-depth consideration of the Adaptations Policy.

**Reason:** Whilst there are many factors and issues to be taken into account in the consideration of the Adaptations Service there is likely to be an increase, at least in the short-term of the resources required for this service. This will therefore have an inevitable impact upon the Housing Capital Programme.

## **120. TO EXAMINE THE USE OF PROFESSIONAL WITNESSES/COVERT SURVEILLANCE IN THE PURSUANCE OF CIVIL COURT PROCEEDINGS IN RELATION TO ANTI-SOCIAL BEHAVIOUR**

Councillor Huntley presented the report which considered the use of "Enquiry Agents/Professional Witnesses" and Covert Surveillance in the gathering of evidence when:-

- (a) pursuing civil court proceedings for evictions;
- (b) obtaining injunctions;
- (c) obtaining anti-social behaviour orders and
- (d) carrying out other actions against the perpetrators of anti-social behaviour on Council estates and elsewhere.

This report had previously been to the Tenant Participation Panel on the 4<sup>th</sup> February and Community Safety Scrutiny Panel on 11<sup>th</sup> February, 2004.

**Option:** Whether or not to approve the recommendation in the report regarding assistance in relation to anti-social behaviour.

**RESOLVED:** that:-

- (1) the option of using Enquiry Agents/Professional witnesses as detailed in the report to be drawn upon when necessary;
- (2) that officers explore the possibility of working in partnership with a neighbouring authority which already have “in-house” evidence gathering teams, in the establishment of a Service Level Agreement for use of their services;
- (3) a budget bid of £5,000 be considered for this issue during the setting of the 2004/05 budget cycle.

**Reasons:**

- (1) To assist in the pursuance of anti-social behaviour cases.
- (2) To link to the Corporate Aim “To work with others to deliver a safer place” and the Corporate Objectives to reduce the fear of crime; reduce anti-social behaviour; and reduce drug related offences.

**121. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:** on the motion of Councillor W. Armstrong, seconded by Councillor D.G. Llewellyn, that under Section 100(A)(4) of the Local Government Act 1972: the Press and Public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 11 and 13 of Part 1 of Schedule 12(A) of the Act (as amended) (as indicated).

**122. THE LICENSING ACT 2003**

(Not for publication by virtue of Paragraphs 11 and 13).

Councillor W. Armstrong presented the report which outlined the content of the Licensing Act 2003, its impact upon the existing licensing service; the changes required for the Council’s decision making process and how the authority is required to work in partnership with all interested bodies to ensure better and more targeted regulation for the whole community. Details were also given on the following:-

- Licensing Objectives and Licensing Policy
- The Licensing Arrangements
- Personal Licences
- Premises Licences
- Hours of Trading



- Club Premises Certificates
- Transitional Arrangements
- The Council's Decision Making Process
- Impact on Authority
- Administration and Enforcement
- The Decision Making Process
- Resources

**Option:** Whether or not to agree the recommendations in the report regarding the restructuring of the Licensing Section; the new decision making process and the additional sum to the Licensing Budget for 2004/05.

**RESOLVED:** that:-

- (1) the proposed restructuring of the Licensing Section as detailed in the report be agreed to facilitate the implementation of the Licensing Act 2003;
- (2) the report be forwarded to the Licensing Committee for their consideration and their comments to be reported to a future meeting;
- (3) an additional £55,000 be allocated to the Licensing Budget for 2004/05 to enable the provisions of the Licensing Act 2003 to be implemented.

**Reason:**

- (1) To obtain the views of the Licensing Committee on the proposals contained in the report.
- (2) To comply with the statutory obligation placed upon the authority by the Licensing Act 2003.

### **123. APPOINTMENT OF ENVIRONMENTAL HEALTH OFFICER**

(Not for publication by virtue of Paragraph 1).

Councillor Armstrong presented the report which sought approval to proceed with the recruitment of a full-time permanent Environmental Health Officer to work within the Food and Occupational Health and Safety Section of the Environmental Health Division.

**Option:** Whether or not to recruit a full-time permanent Environmental Health Officer as detailed in the report.

**RESOLVED:** that agreement to recruit a full time permanent Environmental Health Officer as detailed in the report be agreed.

**Reasons:**

- (1) The Council are under statutory obligation to both develop and deliver a Food Service Plan. This post is an essential element to the effective delivery of the plan.
- (2) The Food Service Plan contributes to the Council's corporate aims of securing healthier and economically successful plans.
- (3) Prospects of engaging the services of a job share Environmental Health Officer specialising in food are poor.
- (4) The proposed restructuring of the Licensing Section to enable the Licensing Act 2003 to be implemented presents the authority with an opportunity to combine resources which are currently being used for food service purposes to be used to appoint a full time Environmental Health Officer.

**124. DISPOSAL OF HOUSING SITES IN LANGLEY PARK TO NOMAD HOUSING GROUP**

(Not for publication by virtue of Paragraph 9).

Councillor Huntley presented the report which sought approval of the disposal of two housing sites in the Park Close and Park Drive area of Langley Park, to enable the provision of nine three bedroom family homes. Prior to consideration of the report the Regeneration and Service Development Officer circulated an amended site plan to all at the meeting.

**Options:**

- (1) Whether or not to dispose of building plots in Park Close and Park Drive to Nomad Housing Group for redevelopment with nine three bedroom properties.

**RESOLVED:** That Option 1 as detailed in the report be agreed; the disposal of building plots in Park Close and Park Drive to Nomad Housing Group for redevelopment with 9 three-bedroom properties.

**Reason:**

- (1) The scheme should not be considered in isolation but in the wider context of the Council's role of not only social housing provider, but also that of enabler. This provision of affordable accommodation meets both the need for decanting purposes and

for general housing need within the village, whilst still allowing potential for new Housing Corporation funding for schemes elsewhere in the District.

- (2) The development realises the potential of these sites which have lain in disuse since 1990's and in so doing meets the Council's Corporate Aims to work with others to -
  - (a) deliver a place with strong cohesive communities and
  - (b) create an attractive, sustainable environment.

## **125. HIGHWAYS AGENCY NOTICE OF CHANGES TO ARRANGEMENTS BY DURHAM COUNTY COUNCIL**

Councillor O. Johnson presented the report which advised of notification by Durham County Council to take back the Client Functions which form the basis of the Highways Agency Agreement.

### **Options:**

- (1) Whether or not this Council agrees to give up all of the work in relation to the Highways Agency, including the operations role. This would mean the transfer of some twenty four persons to the County Council either to the client Directorate or to Service Direct, the County Council's Direct Service Organisation.
- (2) Whether or not this Council accepts that the County Council take over the client role as outlined in the report but continues to provide the works required through a suitable contract.
- (3) Whether or not to agree to the redeployment of staff that are eligible for TUPE into other areas of work to take advantage of their skills and experience to the benefit of the Council.

### **RESOLVED: that:-**

- (1) The Council agree to continue to provide the routine maintenance of highways under the direction of the County Council, subject to a suitable contractual arrangement being agreed.
- (2) The Council agree to the reduction of the Engineering Establishment by one Engineering Technician at the scale detailed in the report.
- (3) The Council agree to the provision of an assistant to the Highways Maintenance Manager to provide support in the direct management of the Highways Maintenance Contract works.
- (4) The Council agree to the provision of two Inspectors to carry out the routine inspection of the Council's own assets as outlined in the report.
- (5) The Council agree to the funding arrangement as outlined in the

report to meet the cost of providing the new service and continuing to deliver an engineering service at the additional cost detailed in the report.

**Reasons:**

- (1) To support the Highways Manager in the delivery of the Highways Maintenance Works.
- (2) To develop a system of inspections of the Council's own assets.
- (3) To maintain a level of Engineering support to the Council to meet its needs after the termination of the Client role within the Highway Agency Agreement.

**CONCLUSION OF MEETING**

The meeting closed at 6.40 p.m.

**Chair.**