

EXECUTIVE

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on Monday 8 November 2004 at 4.30 pm.

PRESENT

Councillor A. Watson, Chair

Councillors W. Armstrong, C.D. Christer, J. Huntley, O. Johnson, D.G. Llewellyn, M.J. Malone and A. Taylor

IN ATTENDANCE

Councillors J. Pickersgill and W.J. Tyrie

65. REVIEW OF SCRUTINY BOARD DEBATE

A list of items discussed at Scrutiny Board was circulated to all at the meeting; the Chair advised that the comments would be referred to as each agenda item was discussed.

66. MINUTES

RESOLVED that the minutes of the meeting of the Executive held 4 October 2004 be agreed as a correct record.

67. LARGE SCALE VOLUNTARY TRANSFER STEERING GROUP

RESOLVED that the minutes of a meeting of the Large Scale Voluntary Transfer Steering Group held on 20 October 2004 were received.

68. COUNCIL PERFORMANCE – CORPORATE ACTION PLAN UPDATE SEPTEMBER 2004

Councillor Malone presented the report which informed members of performance against the tasks identified in the Corporate Action Plan developed in response to the Comprehensive Performance Assessment.

Option: Whether or not to commission further reports into areas of under-performance.

RESOLVED that the contents of the report regarding the Corporate Action Plan be noted.

Reason: Progress towards achieving the actions detailed in the Corporate Action Plan had been very positive, with the majority of actions completed that were due to be completed by the end of September 2004 and action had been taken for those that had not been completed on time.

**69. COUNCIL PERFORMANCE – REVIEW OF PERFORMANCE
SECOND QUARTER 2004/05**

Councillor Malone presented the report which informed members of:

- (1) Performance for the 25 key Best Value Performance Indicators (BVPs) for the second quarter of 2004/05 and
- (2) Outcome of the year-end audit of the Best Value Performance Indicators.

The Chair referred to Performance Indicator 82A 'Household Waste Recycled' and commented that the Council needed to concentrate on improving performance in this area. In response, the Divisional Head of General Services advised that several options were being considered in order to improve performance. These included Green Waste Collection and alternative week collections; these issues were part of the ongoing process of working towards reaching the Government's recycling targets and would be the subject of a future report to members.

Option: Whether or not to commission further investigation into any of the Performance Indicators detailed in the report, or request Scrutiny to discuss any of the Performance Indicators.

RESOLVED that the information contained in the report regarding Performance Indicators be noted.

Reason: Overall performance has shown some significant improvements during the first six months of the year. In terms of those indicators that have been identified as showing significant falls in performance, these will be closely monitored over the coming months with action taken where appropriate, and members will be kept informed of their progress.

70. MEMBER DEVELOPMENT

Councillor Malone presented the report which sought agreement to the introduction of a Member Development Strategy and an 'in principle' agreement to supporting the Regional Members Development Charter,

both of which will act as a cornerstone for future development activities within the Council. It also sought approval for the introduction of Portfolio of Achievement for each members.

Options: Whether or not to agree to the following recommendations:-

- (1) The introduction of a Member Development Strategy.
- (2) In principle, agreement to supporting the Regional Member Development Charter.
- (3) Approval for the introduction of Portfolio of Achievement for each members.

RESOLVED

1. That the Member Training and Development Strategy attached to the report be agreed.
2. Support in principle to enable further work to be undertaken regarding a Regional Charter for Member Development be agreed.
3. The introduction of Portfolio of Achievement for each member be agreed.

Reason: By adopting the strategy, the Council will be able to take a corporate approach to training and development to enable it to meet its business objectives and work towards maintaining effective corporate governance.

71. INCIDENTS AGAINST MEMBERS

Councillor Armstrong presented the report which sought approval for a policy for the personal safety for members. The policy covered a number of areas including:

- Preventative and protective measures to avoid any identified risk of incidents
- The role of the Monitoring Officer
- Responsibilities placed on individual members
- Reporting procedures should an incident occur
- Training and development available to members
- Support and counselling
- Legal assistance
- Good practice and protocols

Option: Whether to agree, amend or refuse to adopt the policy for the personal safety of members.

RESOLVED The policy and procedures for the safety of members as attached to the report be approved.

Reason: To ensure the application of good practice and to reduce the risk of injury and harm to members and the reputation of the Council.

72. CONSTITUTIONAL REVIEW

Councillor Malone presented the report which recommended the establishment of a Constitutional Review Committee. Copies of the report had been considered by the Council's Standards Committee on 6 October and full Council on 26 October 2004. The report requested the Executive to nominate two Members to sit on the Constitutional Review Committee.

Option: Whether or not to agree to the establishment of a Constitutional Review Committee and whether to nominate two Executive Members to sit on the Committee.

RESOLVED That Council be advised that the Executive support the proposal for the establishment of a Constitutional Review Committee and recommend the following members sit on that committee:

- Councillors W. Armstrong and M.J. Malone.

Reason: The formation of a Constitutional Review Committee will enable a more efficient and effective review process of the constitution to be undertaken.

73. LEGAL PROCEDURE – RIGHT TO BUY UPDATE AND CHARGES

Councillor Huntley presented the report which outlined the current position, identified options available for future delivery of legal conveyancing and associated services and recommended the implementation of additional covenants into legal documentation and options to recover administration costs to provide a more responsive, proactive and effective legal service. Members were advised that Paragraph 3.2 "Requests for Consent to Alterations" was withdrawn from the report as authorisation for these charges had already been granted to the Land and Property Division.

Councillor Malone commented that in the past he had been contacted by members of the public regarding the length of time it takes to process legal issues, in particular Right To Buy applications, and enquired whether there were any proposals to introduce performance targets for legal services. In response, the Legal Officer advised that she would now be overseeing the whole procedure of Right To Buys and had held discussions with the

Housing and Engineering Sections to attempt to reduce any delays. The issue of performance indicators could be investigated and reported to a future meeting.

Options: Whether or not to agree, amend or reject the following:-

- (1) to prepare and use additional legal documentation for the protection of the Council and to increase revenue in relation to legal costs as is normal practice with other local authorities.
- (2) to retain basic transfer documentation and continue to make no charge for preparation, investigation and administrative work.

RESOLVED That authority be granted to the Director of Corporate Administration and Policy to:

- (1) Insert additional covenants into the transfer documentation as outlined in the Schedule A as attached to the report.
- (2) Recover the administrative costs associated with preparing Letters of Postponement and requests for alterations as outlined above.
- (3) The issue of Performance Indicators around the Right To Buy workload to be developed for the Legal, Administration and Electoral Services Division Service Plan.

Reason: To protect the Council's interests and increase revenue in association with the preparation of additional legal documentation

74. ON-LINE SERVICES FACILITY FOR WEBSITE

Councillor Malone presented the report which sought approval to implement new on-line services on the Council's website. He advised that this was a major step forward and a change in the nature of providing services on-line to a more proactive service.

Option: Whether to agree, amend or reject the proposals in the report for new on-line services on the Council's website.

RESOLVED that the proposals in the report to implement on-line services be agreed.

Reason: To comply with part of the National E-Government Strategy for Local Government to deliver on-line services.

75. PROPOSED IEG EXPENDITURE FOR 2004-2006

Councillor Malone presented the report which sought approval to spend IEG funding for the financial years 2003/04 and 2005/06 in order to achieve priority outcomes. Recommended IEG expenditure included:

- Implement on-line sports bookings
- Electronically share data with Trading Standards
- Continue to roll out CRM system
- Implement on-line services
- Implement on-line benefit checking
- Implement e-billing for Council Tax and Business Rates
- Implement e-payments
- Implement on-line GIS
- Implement Ryogens or appropriate alternative
- Implementation of appropriate e-Procurement & Single Business Account solution
- Use of integrated systems in policy and decision making
- Integrate leisure systems including the use of Smart Cards
- Allow on-line planning and building control applications
- New website
- Start to upgrade existing systems to e-GIF compliance

The E-government Co-ordinator advised that as each project is implemented it would be monitored to assess the efficiency gains.

Option: Whether to agree, amend or reject the proposals to spend IEG funding.

RESOLVED that the expenditure and associated projects as listed in Section 3 of the report be approved.

Reason: These projects combined with those already in progress will help to ensure that the authority achieves Priority Outcomes within the required timescales.

76. TEMPORARY RELOCATION OF PSYCHIATRIC INTENSIVE CARE SERVICES FROM DURHAM CITY TO DARLINGTON

Councillor Armstrong presented the report which outlined the proposals of the County Durham and Darlington NHS Trust for the temporary relocation of Psychiatric Intensive Care Services from Durham City to Darlington. The Health Scrutiny Panel had considered the proposals at their meeting on 20 October and, overall, the view was taken that the Trust has to comply to the recommendations made by the various health inspection bodies in order to ensure that the best possible service is provided until

the new North Durham Mental Health Unit is built. However the Health Scrutiny Panel support was conditional upon the explicit understanding that:

- Free taxi service would be provided to patients, their families, carers and friends from their home in Derwentside to the Darlington Unit and back as often as they require.
- Free car parking passes for the Darlington Unit will be provided to the same categories of people as described above, should they want to use their car.
- This temporary move of Intensive Mental Health Services will be reversed when the new Mental Health Unit for North Durham is ready.

Scrutiny Board had also expressed concerns that the consultation in respect of the temporary relocation had not been comprehensive. Scrutiny Board took the view that members had not been given the opportunity to hear all sides, which could enable the Council to make a decision. Scrutiny Board recommended that the Council should respond to the County Durham & Darlington Priority Trust expressing disappointment at the way in which the consultation process had been carried out, concluding that as the Council was not given full access to the relevant information, it feels unable to offer a meaningful comment on the proposal.

Councillor Watson agreed with the concerns of Scrutiny Board and suggested that a letter be sent expressing concerns regarding the consultation process and emphasising that the Council request a timescale for the relocation of the Unit back to Durham.

Councillor Huntley also concurred with the views of Scrutiny Board regarding the consultation period and was also concerned that of the points referred to on Page 3 of the report, no assurances apart from the taxi issue had been obtained.

Councillor Johnson agreed with the above points and was concerned that once removed, the Unit may remain at Darlington, and requested that any letter sent to the trust emphasis the need for a time scale for the new Unit at Durham to be opened.

- Options:**
- (1) Whether or not to respond to the consultation regarding the temporary relocation of psychiatric intensive care services from Durham City to Darlington.
 - (2) Whether to agree, amend or reject the views of the Health Scrutiny Panel on the consultation.

RESOLVED

1. That a response be forwarded to the County Durham & Darlington Priority Trust regarding the proposed temporary relocation of Psychiatric Intensive Care Services from Durham City to Darlington expressing the following:-

- Concern/disappointment regarding the consultation process
- Requesting a timescale for the new unit at Durham to be opened
- Requesting a written commitment is given to the undertaking made at Health Scrutiny regarding a free taxi service, free car parking, and that the move would be temporary.

Reason: To take part in the consultation exercise and to register concerns regarding the consultation process.

77. EXCLUSION OF PRESS AND PUBLIC

RESOLVED on the motion of Councillor W. Armstrong, seconded by Councillor C.D. Christer, 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 1, 7, 8 and 9 of Schedule 12(A) of the Local Government Act 1972.

78. STANLEY BUS STATION PROJECT – PROGRESS REPORT

(Not for publication by virtue of Paragraphs 7, 8 & 9)

Councillor Llewellyn presented the report which updated members on progress of the Stanley Bus Station project and breakthrough onto Front Street. The report included:

- Background information
- Update on key risks, road closures and construction costs
- Property acquisition
- Disposal of current bus station site
- Revenue budget
- Construction commencement date

The Director of Development and Asset Management advised that the funding application was now being considered by One North East. He also advised that the likely outcome of the Road Closure Orders should be known during December. This issue was considered the greatest current risk to the project, particularly in terms of construction work being able to commence during January 2005. Officers were continuing to work

towards minimising this risk. He also confirmed that a report was being prepared for the next Executive on the issue of property acquisition.

In response to questions regarding noise issues, the Director of Environmental Services advised that arrangements had been made for baseline noise levels to be taken, and discussions were taking place regarding the most effective ways of dealing with the noise issues. The planning permission had been drafted to require the agreement on the noise reduction measures 'before development commences'. The noise analysis had raised a query on the effectiveness of the acoustic barrier that had been proposed, and it may take longer than the existing planning condition allows in order to resolve the issue. As construction work is scheduled to start in January it was possible that the most effective noise reduction measures would not have been agreed by then. He advised that additional flexibility was required with regard to the noise condition on the existing planning permission. Measures were under consideration to ensure that the residents of Mary Street were properly protected from any additional noise when the new bus station was put into operation. As it was the potential noise emanating from the operation of the new bus station at issue, and the station would not be operational until October next year, an overly restrictive timescale was in place. A report is to be presented to the Development Control Committee recommending that the condition be adjusted to create some flexibility on the timescales and allow an ongoing dialogue between officers and the noise experts. Protecting residents in Mary Street would remain a high priority, but in order to prevent any abortive work it seemed prudent to allow the experts to agree on the most effective reduction solutions, and have that work carried out before the bus station was operational.

- Options:**
- (1) Accept the report and authorise the project to progress as set out in the report.
 - (2) Require the provision of further information on any elements of the report before agreeing how to progress.
 - (3) Require amendments to the current project plan.

RESOLVED that the report be accepted and authorisation granted for the project to progress as set out in the report.

- Reasons:**
- (1) The project is currently progressing to plan.
 - (2) Major risks have been identified and are being managed and monitored.
 - (3) The project budget now provided for a major contingency provision.

79. PROJECT MANAGEMENT SYSTEM AND SOFTWARE

(Not for publication by virtue of Paragraphs 8 & 9)

Councillor Malone presented the report which set out proposals relating to:

- The adoption of corporate Project Management protocols;
- The purchase of Project Management software.

It was noted that the system could be applied to a multitude of projects throughout the Council and would provide an improved means of measuring the progress of projects against agreed targets.

- Options:**
- (1) Adopt the proposed Corporate Project Management Protocols and acquisition of associated Project Management Software.
 - (2) Adopt the proposed Protocols without acquiring Software.
 - (3) Neither adopt the proposed Protocols nor purchase associated software.

RESOLVED

1. That the proposed Corporate Project Management Protocols and acquisition of associated Project Management Software as detailed in the report be adopted.
2. The Key Project Management Protocols set out in Appendix 1 of the report be adopted by the Council.
3. The Key Corporate Projects set out in Appendix 2 of the report be the subject of initial Corporate Monitoring arrangements.
4. The Director of Development and Asset Management be authorised to:
 - Establish a mechanism to centrally record all Key Corporate Project Specification, Plans and Evaluations
 - Establish a mechanism for tracking the management of Key Corporate Projects
 - Require that any shortfalls in the application of agreed Project Management protocols to Key Corporate Projects are redressed
 - Acquire and arrange for the development of appropriate Project Management software in liaison with the IT Division and subject to the completion of a formal tendering exercise.
 - All Key Corporate Projects be incorporated onto the electronic system as soon as possible.
 - Training in Project Management and software application be arranged for key personnel.

Reason: Adoption of the proposed Corporate Project Management Protocols and acquisition of associated Project Management Software:

- Improves Project Management, co-ordination and monitoring, thereby substantially reducing risk and potential costs
- Allows for the automated monitoring of the progress of Key Projects which will be more efficient and transparent than manual monitoring systems.
- Responds to an Audit Commission recommendation.

80. DISPOSAL OF HOUSING SITE IN STANLEY TO DURHAM AGED MINeworkERS' HOMES ASSOCIATION (DAMHA)

(Not for publication by virtue of Paragraph 9)

Councillor Christer presented the report which sought approval of the disposal of a housing site previously occupied by single person flats on the Eastfields/Westfields estate to enable the provision of 11 bungalows, as part of Derwentside's Regeneration Strategy for Council Estates. A recommendation approving the sale to DAMHA would mean disposing at below market value. However, there are legislative powers, both of which were applicable which allow local authorities to dispose of land at less than market value. It was noted that Scrutiny Board had raised no objections to the disposal of the site to DAMHA.

- Options:**
1. The disposal of building plots to DAMH to enable the development of 11 two-bedroom bungalows as agreed at Executive on 1 December 2003.
 2. Disposal of the site to an alternative Registered Social Landlord, with a requirement to provide 11 bungalow units to rent.

RESOLVED that agreement be granted for the disposal of the land at Eastfields/Westfields estate to Durham Aged Mineworkers' Homes Association for the sum as detailed in the report .

- Reasons:**
1. This scheme should not be considered in isolation but in the wider context of the Council's role as housing enabler.
 2. This development contributes to Derwentside's Housing Strategy and in so doing contributes to the Council's Corporate Aims to "Deliver a place with strong, cohesive communities" and "Create an attractive, sustainable environment".

81. RESTRUCTURING OF BUILDING SERVICES ELECTRICAL SECTION

(Not for publication by virtue of Paragraphs 1 & 8)

Councillor Armstrong presented the report which requested members to agree to a restructuring of the Building Services Electrical Section to improve service effectiveness and efficiency.

Option: Whether to agree, amend or reject the proposals for the restructure.

RESOLVED

1. The relocation of the Electrical Section be implemented as detailed in the report.
2. Early retirement/voluntary redundancy as detailed in the report be granted to the existing Electrical Operations Manager.
3. The Assistant Operations Manager post be deleted and the new post of Electrical Support Manager ring-fenced to the officer at risk.

Reason: The proposed relocation of the Electrical Section will allow for a more effective, efficient and flexible service delivery to our stakeholders and to give greater definition of areas of responsibility.

CONCLUSION OF MEETING

The meeting closed at 5.12 p.m.

Chair