

EXECUTIVE

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on Monday, 10th January 2005 at 4.30 p.m.

PRESENT:

Councillor A. Watson, Chair

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

IN ATTENDANCE

Councillor C. Bell, R. Ord, J. Pickersgill, W. Stelling, W.J. Tyrie

APOLOGIES FOR ABSENCE

An Apology for absence was submitted on behalf of Councillor W. Armstrong

94. REVIEW OF SCRUTINY BOARD DEBATE

A list of items discussed at Scrutiny Board was presented, the Chair advised that the comments would be referred to as each agenda item was discussed.

95. MINUTES

RESOLVED: that the minutes of the meeting of the Executive held on 6th December 2004 were agreed as a correct record.

96. MATTERS ARISING FROM THE MINUTES

- (a) Councillor Watson requested an update regarding Minute Numbers 78 and 84 – Temporary Relocation of Psychiatric Intensive Care Services from Durham City to Darlington regarding the issues raised by the Health Scrutiny Panel.

The Director of Corporate Policy and Administration advised that a response had been received from the Chief Executive of County Durham and Darlington Priority Services NHS Trust, the responses to the specific points made were:-

- (i) A free taxi service, for those family and carers who require it, will be provided free of charge for the duration of the temporary relocation. It will be available for the full duration of the relocation to West Park Hospital.
 - (ii) Arrangements will be made to allow visitors to Derwentside/Durham's patients within Cedar Ward (PICU), West Park Hospital, free access to the car park.
 - (iii) Have confirmed on many occasions that this is a temporary relocation and a Psychiatric Intensive Care Unit has been incorporated into the plans for the new unit for North Durham.
 - (iv) The Outline Business for the new unit, is in the final stages of preparation and will be considered by our Trust Board at its meeting on 27th January 2005 and Durham and Chester-le-Street/Derwentside PCT's in January and the Strategic Health Authority in March.
- (b) Councillor Watson also requested an update on Minute Number 86 – Festivals.

Councillor Taylor advised that a meeting had taken place with Northern Recording and that discussions were still progressing.

- (c) Councillor Huntley referred to Minute Number 90 – County Wide Commissioning, Decision Making and Administration Arrangements for the Supporting People Programme

She advised that she was interested in the views of other authorities and enquired whether there was any feedback regarding the Programme. The Executive Director advised that the meeting of the Chief Executive's had not yet taken place. However, once the meeting had taken place feedback would be reported to Councillor Huntley.

97. COMMUNITY SAFETY SCRUTINY PANEL – 1ST DECEMBER 2004 – SCRAMBLER BIKES AND OTHER ILLEGAL, UNAUTHORISED OFF-ROAD VEHICULAR ACTIVITY IN DERWENTSIDE

Councillor Watson advised that the Community Safety Scrutiny Panel had made a recommendation to Executive regarding the issue of Scrambler Bikes and Other illegal, unauthorised off-road vehicular activity in Derwentside.

Option: Whether to agree, amend or reject the recommendation of the Community Safety Scrutiny Panel

RESOLVED: that the recommendation of the Community Safety Scrutiny Panel be agreed as follows:-

The sites continue to be monitored and then to review and evaluate the situation following the outcome of the noise nuisance Investigation by Environmental Health Officers, clarification of the planning issues and the outcome of the exercise to identify land elsewhere in County Durham.

Reason: To enable the sites to be continued to be monitored.

98. FEES CHARGEABLE UNDER THE FREEDOM OF INFORMATION ACT AND THE DATA PROTECTION ACT

Councillor Malone presented the report which sought approval for a fee charging regime for processing information requests made under the Freedom of Information Act 2000 (FOI Act) and also to approve amendments to the Council's Data Protection Policy regarding subject access requests made under the Data Protection Act 1998.

Option: Whether or not to set minimum fees with regard to requests under the Freedom of Information Act and the Data Protection Act.

RESOLVED: that:-

- (1) A minimum charge for disbursement costs be set at £5.00. A charge of 10 pence per sheet for photocopying charges is agreed for all Freedom of Information requests.
- (2) A fee notice be issued for charges made under the Freedom of Information Act above the minimum charge prior to carrying out the work.
- (3) Officers be given discretion to negotiate with the applicants regarding their preferred format for Freedom of Information requests.
- (4) The Director of Corporate Administration and Policy be granted delegated power to waive all or part of the fee for processing Freedom of Information requests in consultation with the relevant portfolio holder and Director.
- (5) Suitable amendments be made to the Council's Data Protection Policy to reflect the new Fees Regulation which give the Council the power to refuse a subject access request to unstructured personal data where the fee would exceed the 'appropriate limit'.
- (6) Appropriate minor amendments be made to the Council's publication scheme to reflect where a fee is normally charged for the provision of information listed within the scheme.

Reason: In order that fees charged are in-line with Government

guidance and to encourage a culture of open government within the Council.

99. GROUNDS MAINTENANCE PLANT AND EQUIPMENT RENEWALS

Councillor Johnson presented the report the purpose of which was to advise Members that the current two and a half year operating lease for a range of Grounds Maintenance equipment expired at the end of October 2004. The report sought approval to replace the plant and equipment and purchase items specified in Appendix A.

Comment was made that the Grass Area Maintenance Operations were currently going through the tender process, and therefore the outcome of this could determine a reduction in the eventual numbers of some of the items of equipment needed. In the event that the tender was awarded to an outside contractor and the grass cutting service was carried out by an external provider, Items A, B and F would still be required by the Council.

Option: Whether or not to approve, amend or refuse the proposals to replace plant and equipment as detailed in the report.

RESOLVED: that:-

- (1) the replacement of the plant and equipment as detailed in Appendix A to the report be approved.

Reason: To enable the Directorate to continue to deliver the range of Grounds Maintenance Services throughout the District in the most cost effective way.

100. PROPOSED PROHIBITION OF ALCOHOL IN PUBLIC PLACES – DIPTON

Councillor Christer presented the report which requested Members to consider starting a process to make an Order to prohibit the consumption of alcohol in public in areas of Dipton. The report also proposed mechanisms for considering requests for similar orders elsewhere in Derwentside.

Councillor Watson requested a timescale for the completion of the process, the Director of Corporate Administration and Policy advised that if this report was approved it would commence the process with the anticipation that the actual order could be in place by April/May 2005.

Councillor Malone raised concerns that by making the order the anti-social behaviour problem may be displaced to other areas in the District and whilst he supported the proposal more information was required from the Police on the proposals for dealing with any such displacement. He also asked the question on whether the Police pay for such orders in other parts of the country. Councillor Taylor agreed with the comments made by Councillor Malone, in addition, she questioned whether the resources used to police the order would mean a reduction or slower response of police services in other areas of the District. In response, the Executive Director advised that the proposals had the support of the community of Dipton and the Police had agreed to provide the resources to police the order.

Options:

- (1) Whether to agree, amend or reject the proposals to begin the process to prohibit the consumption of alcohol in public areas of Dipton.
- (2) Whether to agree, amend or reject the proposals for a mechanism for considering requests for similar Orders elsewhere in Derwentside.

RESOLVED: that:-

- (1) The request to start the process to make an Order under the Police and Criminal Justice Act 2001 to prohibit the consumption of alcohol in the designated area of Dipton be agreed.
- (2) The Dipton scheme be operated as a 12 month pilot scheme and the effectiveness of the Order be reviewed fully by Scrutiny, before any further orders are introduced in Derwentside.
- (3) The Derwentside Crime and Disorder Reduction Partnership be asked:
 - (i) for a contribution towards the costs associated with making the Order in Dipton.
 - (ii) To confirm their commitment to contributing towards resourcing and financing any such Orders deemed necessary.
 - (iii) To agree that the Derwentside Problem Solving Group consider any future requests made for the introduction of any further designated areas in Derwentside, and to make recommendations accordingly to the Council.

Reasons:

- (1) To empty with Statute. The Council's statutory duty under S.17 of the Crime and Disorder Act 1998, to examine all its functions to identify how they can contribute to reducing crime and disorder.

- (2) The Council's Key Objective in its Corporate Plan, to work with others to deliver a safer place, specifically by reducing accidents in the home, workplace and the community, to reduce anti-social behaviour, and to reduce the fear of crime.
- (3) To contribute effectively to the Council's corporate aim of working with others to make Derwentside a safer place in which to live and work.
- (4) The Derwentside Crime and Disorder Reduction Strategy 2002-05, specifically the priority relating to safety in public places.
- (5) Government policies to tackle anti-social use of alcohol, and anti-social behaviour generally..

(In accordance with the provisions of Section 94 of the Local Government Act 1972: and Standing Order No. 33, Councillor O. Johnson declared an interest in the following item, left the Chamber and took no part in the discussion and voting thereon).

101. DISCRETIONARY RATE RELIEF FOR SPORTS CLUBS

Councillor Huntley presented the report which gave a review of the criteria for dealing with applications from sports clubs for Discretionary Rate Relief.

In response to questions, the Divisional Head of Revenues and Benefits advised that this was an Inland Revenue scheme which allowed registered Community Amateur Sports Clubs (CASC'S) To attain 80% mandatory relief and it was anticipated that most of the clubs listed in the report and who applied would be granted Mandatory Relief from 1st April 2004.

It was confirmed that all clubs had been given 12 months notice of the proposals.

Option: Whether to agree, amend or reject the proposals for adopting new criteria for dealing with applications for Discretionary Rate Relief.

RESOLVED: that the criteria for dealing with applications for Discretionary Rate Relief as detailed in the report be adopted.

Reasons:

- (1) To update the policy in light of the introduction of 80% mandatory relief allowed for Community Amateur Sports Clubs..
- (2) To update the policy to reflect Government recommendations of qualification criteria.

COUNCILLOR JOHNSON RETURNED TO THE MEETING AT THIS POINT.

102. MAJOR CENTRES BASELINE STUDY

Councillor Llewellyn presented the report which summarised the results of a study to baseline the economic performance of the major centres in County Durham.

Options:

- (1) Note the information and receive a further report once the Baseline Model is re-run during 2006-2007 in order to monitor the impact of development schemes serving the centres.
- (2) Note the information, receive a further report once the Baseline Model is run but have the issue of public transport coverage addressed through the appropriate Scrutiny Panel.
- (3) Require current plans and proposals affecting the two towns to be reviewed in the light of the findings of the 2004 Baseline.

RESOLVED: that:-

- (1) The information contained in the report be noted.
- (2) A further report be submitted once the Baseline Model has been re-run.
- (3) The matter of public transport coverage be addressed by the Director of Environmental Services, including having the issue considered through the appropriate Scrutiny Panel.

Reasons:

- (1) Significant new developments are currently being planned to support the further improvement of both Consett and Stanley Town Centres. These will support the further improvement of the two centres.
- (2) The impact of new developments can be measured once the Baseline Model is re-run in 2-3 years time.
- (3) The only key issue not being directly addressed within current plans for the two centres is that of public transport coverage.

103. PROPOSALS FOR OPERATIONAL CHANGES IN THE REFUSE COLLECTION SERVICE

Councillor Johnson presented the report which examined alternative ways of delivering the Refuse Collection Service to enable the Council to meet the statutory recycling targets set by the Government and also to improve

other Best Value Performance Indicators for this service area. Changes in the organisation and operation of the service were aimed at helping the authority to reach the statutory targets for recycling.

Scrutiny Board had raised questions in relation to the consultation process and the need to ensure public awareness campaign/exercise is undertaken prior to implementation of the scheme. Issues relating to the potential requirements for enforcement were also debated.

Councillor Johnson agreed with the comments of the Scrutiny Board and stressed the need for a public awareness campaign and the need to educate people regarding recycling. Debate took place regarding the containers to use for recycling and the methods used for sorting recyclable materials. The general consensus was that the green box be continued to be used for glass collection and the provision of an extra wheelie-bin was the preferred option for recycling subject to a caveat being added that sufficient provision being available in the budget.

Councillor Llewellyn commented on the proposals to take over the direct schools recycling collection scheme which was previously organised by Groundwork. Councillor Taylor enquired whether all schools in the District had participated in the scheme and also whether the authority had the resources to take over the scheme.

Options:

- (1) Status Quo – the option not to change would ensure the Authority would not meet their statutory targets or improve on the waste performance indicators.
- (2) Status Quo – with increased capacity to continue with the current method and include plastics to the materials collected.
- (3) Weekly collection of recyclables – to change from the current fortnightly collection of recyclables to a weekly collection would resolve some of the problems regarding storage of materials for residents and it is anticipated that a weekly collection would encourage a higher participation rate.
- (4) Alternative weekly collections – this option would consist of collecting dry recyclable one week and residual waste the second week.
- (5) Alternative weekly collections with mixed recyclables – all recyclables currently collected are segregated at the kerbside and stockpiled at the Depot for collection by our distributor.

RESOLVED: that:-

- (1) The following be agreed subject to a caveat that the proposals go through the budget setting process:

- (a) A capital bid for the purchase of additional wheelie-bins.
 - (b) A suitable composting facility is identified
 - (c) The distributor accepts the mixed recyclables at this facility.
- (2) The Council adopt option (e) on the report – Alternative Weekly Collections with mixed recyclables.
 - (3) A green waste collection service be introduced.
 - (4) The Council take over the direct schools and offices recycling collection which Groundwork are withdrawing.

Reasons:

- (1) To deliver the Council's target for recycling whilst reducing the current costs of the waste and recycling collection service.
- (2) To improve performance of BVPI' 82b.

104. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: on the motion of Councillor M. Malone, seconded by Councillor O. Johnson, 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, and 8 of Part 1 of Schedule 12(A) of the Local Government Act (as amended).

105. DISPOSAL OF CURRENT STANLEY BUS STATION SITE

(Not for publication by virtue of Paragraphs 7 and 9)

Councillor Llewellyn presented the report, which referred to a previous decision to advertise the future availability of the current Stanley Bus Station site. Three bids had been received for the site, and assessed, as part of a formal tendering process. Councillor Llewellyn also referred to additional interest that had been expressed in the site outside of the tendering process from both a public sector organisation and a private company. The Executive Director referred to a further interest which had been expressed in the site, formal details of which had been received that day, from another private company.

Councillor Llewellyn summarised the options available and the decisions which were required from the Executive.

Options: regarding the submitted tenders:-

- (1) Choose a preferred developer;
- (2) Reject all three proposals; or

- (3) Choose not to determine the tenders at this stage.

RESOLVED: That the tenders not be determined at this stage.

Reasons:

- (1) The Council is not obliged to accept any of the submitted tenders;
- (2) there was potential for the site to meet the needs of a public sector partner in respect of a project which was of key importance to Stanley; and
- (3) the merits of the interest expressed by the public sector partner in the site, outside of the tendering process, needed to be considered.

Councillor Llewellyn confirmed that, as a decision had been made not to determine the submitted tenders, consideration needed to be given as to how development interest in the site was now to be progressed.

Options: regarding the progressing of development interest in the site:-

- (1) Pursue the interests of one of the development interests;
- (2) Pursue the interests of two or more of development interests.

RESOLVED: That the interest expressed by a key public sector partner in the site be pursued and:

- (1) Full details of the partner's proposals be sought by 12 February 2005;
- (2) The price for the site be set at a full market value, as set out in the report, plus associated fees;
- (3) Disposal of the site to the preferred public sector partner be considered and determined at a future meeting of the Council; and
- (4) Any decision to sell the site be subject to the requisite funding and permissions being secured to enable development of a new Bus Station in Stanley to go ahead.

Reasons:

- (1) There did not appear to be any good reason why the interest expressed in the site by private companies outside of the tendering process should be pursued;
- (2) Pursuing the interests of the key public sector partner could ensure development of a new facility which is a key part of the agreed Action Plan for Stanley town centre. This in turn could have the potential to provide a significant "landmark" building, retain/enhance jobs and investment in Stanley and support the creation of additional footfall within the main retail area of the

town. The facility would also help to further address health issues facing Stanley, and Derwentside in general, thus requiring that some priority be given to this issue.

Agreement to sell a site of such value outside of a tendering process requires approval by Council

106. LAND AT TEES CRESCENT, STANLEY

(Not for publication by virtue of Paragraphs 7 and 9)

Councillor Huntley presented the report which sought approval to dispose of an area of land at Tees Crescent, Stanley.

Options:

- (1) Accept the tender.
- (2) Decline the tender and re-advertise the site
- (3) Decline the tender and seek to landscape the site.

RESOLVED: that:-

- (1) The tender be accepted in the sum as detailed in the report.

Reason: A disposal of the site would benefit local residents and represent good Asset Management practice.

107. OPERATIONAL CHANGES IN THE MAINTENANCE OF GRASSED AREAS

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

Councillor Johnson presented the report which asked Members to consider alternative ways of delivering the Grass Cutting Services to improve quality and reduce costs.

Due to the high costs of the service it had been decided to tender a contract for maintenance of the grassed areas. The tender was for one season only.

Councillors considered the information in the report regarding the submitted tenders and concerns were raised that the company which had submitted the lowest tender had not submitted all the documentation requested, in particular the Method Statement on how they would deliver the service. Debate took place on the issue of the tender and Members raised serious concerns at this missing information due to the significant

price difference between the lowest and the second lowest tender and the Council's statutory duty to achieve value for money it was suggested that the company be given a further opportunity to submit the missing documentation, due to the nature of the contract time was of the essence and it was put forward that the company be given until Friday 14th January to produce a satisfactory Method Statement.

Option: Whether or not to award the contract for the Grass Cutting Service.

RESOLVED: that:-

- (1) the Director of Finance and the Director of Environmental Services in consultation with the Portfolio Holders for Learning and Environment be granted delegated powers to decide whether the information provided by the lowest tenderer was satisfactory;
- (2) the subject to the lowest tenderer providing a satisfactory method statement by Friday 14 January 2005, and this being agreed by the above delegation, the lowest tenderer be awarded the contract for the Grass Cutting Service as detailed in the report;
- (3) In the event of the Method Statement not passing the Council's assessment procedures, then the Executive recommends that the second lowest tender be accepted.

Reason: To ensure that the Grass Cutting Services is awarded in line with the Council's tender procedures.

CONCLUSION OF MEETING

The meeting closed at 6.37 pm

Chair.