

EXECUTIVE

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on Monday 7th February 2005 at 4.30 p.m.

PRESENT:

Councillor A. Watson, Chair

Councillors W Armstrong, O. Johnson, D.G. Lewellyn,
M.J. Malone and A. Taylor

IN ATTENDANCE

Councillor J.I. Agnew, C Bell, J Pickersgill, W Stelling and W.J Tyrie.

APOLOGIES FOR ABSENCE

Apologies for absence was submitted on behalf of Councillors C Christer and J Huntley.

108. 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.

109. MINUTES

RESOLVED: that provided that Minute Number 107 is amended as follows, the minutes be agreed as a correct record. (amendments in bold)

107. OPERATIONAL CHANGES IN THE MAINTENANCE OF GRASSED AREAS

RESOLVED: that:-

- (1) the Director of Finance and the Director of Environmental Services (in consultation with the Portfolio Holders for Learning and Environment) **use existing** 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, **and subject to the approval of Full Council.**

110. HEALTH SCRUTINY PANEL – NO SMOKING POLICY RECOMMENDATION

Councillor Watson advised that Executive had been asked to consider the recommendations of the Health Scrutiny Panel regarding the proposal for a future No Smoking Policy. Health Scrutiny had requested that Officers carry out further investigation regarding the possibility of extending the policy to cover lease cars, particularly when being used on Council business. A report proposing details for the policy was being amended before the final version was presented to a future meeting of the Executive.

Councillor Taylor asked questions regarding the length of time the consultation was expected to take. In response, the Director of Corporate Administration and Policy advised it was proposed to consult with employees via a questionnaire attached to next months pay slips. It was also proposed to consult with the Communal Room users and Sheltered Court residents which would then all need to be analysed prior to the results being included in the report.

Councillor Malone raised the issue of consultation with residents of the Sheltered Courts and emphasised that it was important that the extent the policy would cover was clear and phrases such as ‘within the curtilage’ were fully explained e.g. whether the communal areas and the outside footpath areas would be included in any ban.

Councillor Watson advised that consultation should be carried out as effectively as possible and if necessary deadlines set for the completion of the consultation period. It was also suggested that a poll be posted on the web site regarding the no-smoking policy. In response the Client Manager – Infrastructure advised that he would investigate the mechanisms and voting security for any such poll.

Option: Whether to accept, amend or reject the recommendations of the Health Scrutiny Panel regarding the proposals for a No-Smoking Policy.

RESOLVED: that:-

- (1) the recommendations of the Health Scrutiny Panel be noted and considered when the proposed No-Smoking Policy is presented to the Executive.
- (2) Officers carry out further consultation with employees and residents in Council sheltered accommodation and third party lease holders of Council premises regarding the policy. The consultation to be specific in explaining exactly which areas would

be included in any policy.

Reason: To ensure consultation takes place with relevant stakeholders prior to consideration of any No Smoking Policy.

111. LEARNING SCRUTINY PANEL

Councillor Watson presented the report which requested Members to consider working in partnership to aid work on its Learning objective by formally using advisors to provide support and advice to the Learning Portfolio and Scrutiny Panel.

Councillor Taylor raised the question of inviting members of the School Council to the Learning Panel meetings. In response, the Director of Finance advised that School Council Members and School Governors had been and would continue to be encouraged to attend the meetings.

Councillor Malone asked for further explanation of the exact role of the advisors and whether there would be any reporting mechanisms/feedback of their advice to the Executive. The Director of Finance explained that the role of the advisors would be in the capacity of helping the Scrutiny Panel to streamline the Panels workload, to keep the focus on important issues and raise the knowledge and awareness of the Panel, the role would not extend to advise on Council Policy.

Option: Whether to agree, amend or reject the proposal to invite advisors to the Learning Scrutiny Panel.

RESOLVED: that agreement be granted to invite the officers named in the report to be advisors to the Learning Portfolio/Scrutiny Panel on a pilot basis to be reviewed at the end of the 2005/06 year.

Reason: It was considered that this would have a number of benefits including:

- A clear demonstration of partnership working.
- Continually refreshing the work programme.
- Prioritising the work programme allowing for the panel to focus on a small number of important issues.
- Development of the role and influence of the District Council in the Learning Environment.
- Developing the authority's Corporate Plan around the learning objective.
- Enhancing and developing existing and potential networks and relationships in the key areas.
- Giving all members of the panel an opportunity to work with the advisors thereby raising their knowledge and awareness of the issues and their potential impact across the district.

112. GENERAL FUND BUDGET – FINANCIAL SUPPORT TO PARISH COUNCILS

Councillor Watson presented the report which requested that Members consider restoring financial support to Parish Councils into the base budget from 2005/06.

Councillor Taylor referred to the possibility in future of the creation of a Stanley Town Council and asked whether this would affect the budget proposals in the report. In response, the Director of Finance advised that the funding in the report was based on historical budget information for the Parish Councils and any funding towards a Town Council would need to be considered dependant on the size and boundary of the Council and may mean a review of the way in which Parishes are funded.

Councillor Malone raised the qualitative issues surrounding the proposals and the reasons why funding should be reinstated into the base budget. Lengthy discussion took place on the reasons the initial decision to withdraw funding had been based and the rationale for re-instatement. It was noted that discussions had taken place with Parish Clerks and the report set out a range of services which may be at risk if funding was withdrawn. The Executive Director highlighted that the Council along with partner authorities supported the Achievement of Quality Town and Parish Council Status and had agreed to joint fund an officer to work with Parish Councils – a key role which it was hoped would oversee the development of Parishes towards quality status therefore to formally withdraw at this point would not be advisable.

Options:

- (a) Permanent withdrawal of funding. This will lead to a reduction of local services and/or tax increases in the parish areas.
- (b) Reinstatement of funding to the base budget. This would protect the services outlined above and maintain an arrangement that had existed for many years.
- (c) Change the level and/or allocation of funding. Increasing the level of funding would add further pressure to the authority's base budget and would re-open the issue of ongoing sustainability if the districts budget were to come under further pressure. Changing the allocation would lead to winners and losers creating the same scenario for some parishes as is outlined in Option (a).

RESOLVED: that the funding for Parish Councils be reinstated to the base budget from 2005/06.

Reasons:

- (a) To ensure that existing arrangements and services provided by Parish Councils with District Council support are maintained.
- (b) To support and demonstrate commitment to partners for the

Achievement of Quality Town and Parish Council Status as part of the Strategic Vision for County Durham.

113. MEDIUM TERM FINANCIAL PLAN – CAPITAL PROGRAMME 2005/06 TO 2007/08

Councillor Watson presented the report which requested that Members consider amendments to the Medium Term Financial Plan - Capital Programme for 2005/06 to 2007/08 prior to Council's confirmation of budgets at the meeting to be held on 22nd February 2005.

The Director of Finance highlighted two amendments to Non-Housing Capital Programme. Firstly, a shortfall had arisen in the Industrial Property Development Scheme due to a change in the forecast level of external funding available requiring the authority to invest a further £60,000 into this scheme. Secondly, problems with the roof on the garage at the Morrison Busty Depot needed urgent attention with an estimated cost of £200,000.

The Divisional Head of Strategic Resources referred to Paragraph 3.11 of the report and advised that the deadline for the Decent Home Standard was now 31st December 2010.

Councillor Malone raised the issue of CCTV rollout and was advised that this referred to a contingency fund for any unforeseen technical issues which may occur during installation. It was confirmed that work was progressing on the outstanding wards.

Option: Whether to agree, amend or reject the proposals in the report for the amended draft medium term financial plan.

RESOLVED: that:-

- (1) the Executive recommend approval to Council of the amended draft medium term capital programmes attached as appendices 1 & 2 to the report.
- (2) the position with regard to the changes to existing programmes outlined in paragraphs 3.4 and 3.5 of the report be noted.

Reason: The Medium Term Financial Plan will allow a planned approach in the use of limited resources.

114. HOUSING REVENUE ACCOUNT ESTIMATES 2005/06

Councillor Watson presented the report which requested that Members consider the estimates for 2005/06 with a view to setting a budget for the Housing Revenue Account (HRA).

Option: Whether or not to recommend the items in the report to the Council at its budget-setting meeting scheduled for 22nd February 2005.

RESOLVED: that the Executive recommend the following to the Council at its Budget Setting meeting scheduled for 22nd February 2005:-

- (1) Members agree the Housing Revenue Account for 2005/06 as shown at Appendix A to the report.
- (2) Members agree a general rent increase equivalent to an average of £1.80 per week with a range of increases from £0.08 to £3.34 in line with year 4 of rent restructuring
- (3) Members agree to the closure of the HRA corporate Development / Initiative Reserve with the resources being taken into the HRA balance. The transitional protection for tenants in respect of the Supporting People charges would continue and the resources to fund this would come from HRA.
- (4) Members agree to the additional bids as outlined at Appendix C, (noting the comment about the proposals to increase investment in the gardening service).
- (5) Members agree to the use of Housing Revenue Account balances to part deal with the shortfall in existing approvals due to the change in subsidy outlined in paragraphs 3.2 and 3.3. Consideration may be given to further utilising reserves as the development of the capital programme for 2005/06 takes shape.

Reason: Local Government and Housing Act 1989 places a legal duty on all housing authorities to keep a Housing Revenue Account in accordance with proper accounting practices, to budget to avoid an end of year deficit and to review the account throughout the year. All reasonable steps to avoid an end of year deficit should be taken.

115. COUNCIL PERFORMANCE – QUARTILE COMPARISONS 2003/04

Councillor Malone presented the report which informed the Executive of the Council's national position in relation to the Best Value Performance Indicators (BVPI's) reported for 2003/04 and discuss the way forward.

Options:

- (1) Whether or not to recommend that action be taken to improve the performance of those indicators identified in the report which may include referral to the relevant Scrutiny Panel.
- (2) Whether or not to identify any further analysis of the quartile information in addition to those detailed in the report.

RESOLVED: that the content of the report be noted and the quartile performance data is further analysed and debated by the relevant Scrutiny

Panels, with a view to developing a priority list for intensive improvement action.

Reason: Following analysis and after debate at Scrutiny, the Executive will be better placed to conclude which of the Performance Indicators should be prioritised for further improvement action.

116 REGIONAL SPATIAL STRATEGY FOR THE NORTH EAST **CONSULTATION DRAFT**

Councillor Johnson presented the report which considered the implications of the Consultation Draft Regional Spatial Strategy (RSS) and suggested how the District Council might respond. The comments in the report were based upon a report prepared by the County Planning Officer in discussion with other District Planning Officers in County Durham, who have been working together to influence the draft RSS. The comments of the Director of Development and Asset Management had also been incorporated.

This was an important opportunity for the Council to make its views known to the North East Assembly, before it considered the document and takes decisions on what needs to be revised prior to its submission to the Government. At that stage there would be an opportunity to make formal objection, which would be considered by an independent panel at the Examination in Public.

Councillor Johnson also advised that residents of Satley had employed a planning consultant who had produced a document containing their representations in respect of the draft North East Spatial Strategy which they had sent to the North East Regional Assembly raising their concerns, this document was available for Members' information.

Scrutiny Board had requested that Executive consider delaying agreement of the Council response to allow further involvement of Elected Members in the process. If this was not possible due to consultation deadlines, then urgently investigate if an extension could be granted to the Council to permit such an approach.

The Development Plans Manager advised that the deadline for the consultation draft had been 4th February and Officers had requested an extension to enable the draft to be considered at this meeting and it was unlikely that any further extension would be granted. However, there would be further consultation on the final draft and that would be an opportunity to make any objections, a public examination was planned for January 2006 to deal with the objections.

Councillor Watson advised that a meeting had been held with the County and District Councils in County Durham and all had expressed strong concerns regarding the proposals in the strategy. Particular concerns had been raised

with reference to the Housing provision and the in-migration proposals for the County which were considered unacceptable.

Option: Whether to agree, disagree or amend any of the comments in the report and whether or not the comments should be passed on to The North East Assembly.

RESOLVED: that:-

- (1) the implications for Derwentside and County Durham of the issues identified in the Consultation Draft Regional Spatial Strategy be noted;
- (2) the issues in Section 3 of the report and the detailed comments in Appendix 1 be agreed as the District Council's response to the North East Assembly's consultation;
- (3) agree to support the County Council as it undertakes further work to align the spatial strategy of the RSS, with the County Durham Strategic Vision in order to add value to the RSS;
- (4) agree to press for the RSS and its implementation in County Durham, to give due recognition to the need to support the growth of businesses, commercial/residential development and population in Derwentside;
- (5) the comments of Scrutiny Board regarding the strategy be noted and once the final draft is available, a seminar be arranged for Members to make their comments.

Reason: In order to make comments on the consultation draft of the RSS within the timescale and contribute to the consultation process.

117. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: on the motion of Councillor W Armstrong, seconded by Councillor A. Taylor, 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 7, 8 and 9 of Part 1 of Schedule 12(A) of the Local Government Act (as amended).

118. STANLEY BUS STATION PROJECT – PROGRESS REPORT

Councillor Llewellyn presented the report which advised Members on progress of the Stanley Bus Station project. It was confirmed that the primary element of the statutory consultation on the Road Closure Order had been completed and the funding package for the project had been confirmed. Updates were given on:

- Single Programme Funding
- Road Closures
- Construction Costs

- Property Acquisition
- Disposal of the current Bus Station site
- Part 1 Disturbance Payments
- Capital Budget
- Project Plan

Scrutiny Board had raised concerns regarding the acoustic barrier and wanted to ensure that local residents would be consulted and that the barrier would be in place before the bus station was operational.

Councillor Taylor was concerned that residents were kept up-dated regarding progress and that they were consulted on the acoustic barrier. It was also important that hours of working and start and finish times on the site were carefully considered before they were agreed with the developer.

The Director of Development and Asset Management advised that the Bus Station was still on course for completion in November 2005. He referred to the property acquisition for the 'breakthrough' onto Front Street, Stanley and advised that the deadline for the objections to the initial phase for the CPO was the end of February 2005 and although Officers would continue to negotiate regarding property acquisition it was prudent to prepare for objections, delays and additional legal costs for this aspect of the project.

Options:

- (a) Accept the report and authorise the project to progress as set out in the report.
- (b) Require the provision of further information on any elements of the report before agreeing how to progress.
- (c) 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.

Reason:

- (1) The project is currently progressing satisfactorily.
- (2) Major risks have been identified and are being managed and monitored.
- (3) The project budget had provision for major contingencies.

CONCLUSION OF MEETING

The meeting closed at 6.05 pm.

Chair.