

EXECUTIVE

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on Monday, 4th July 2005 at 4.30 pm.

PRESENT

Councillor A. Watson, Chair

Councillors J. Huntley, M.J. Malone, O. Johnson, A. Taylor and W. Armstrong.

IN ATTENDANCE

Councillors C. Bell, J. Pickersgill and W.J. Tyrie.

APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors C. Christer and D.G. Llewellyn.

16. REVIEW OF SCRUTINY BOARD DEBATE

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

17. MINUTES – 6TH JUNE 2005

The minutes of the meeting held on 6th June 2005 were agreed as a correct record.

18. DURHAM COALFIELD COMMUNITIES HOUSING MARKET RENEWAL

Councillor Watson presented the report which provided information in relation to the progress made by the Durham Coalfields Housing Market Renewal Partnership. The Executive were requested to consider to agree a memorandum of understanding for the Durham Coalfield Communities Housing Market Renewal Partnership, to consider the recommendations arising from Phase 2 of the Jacobs Babbie report commissioned by English Partnership and to consider supporting the establishment of a joint staffing unit to progress the initiative.

Scrutiny Board had made the following comments: "Members agreed that there was a need to look at issues on a Sub-Regional basis. Comment was

raised in relation to the need to ensure sustainability of communities and consequently Town Centres. “

Councillor Malone commented on the format of the report and the Executive Director confirmed that a new standard template similar to the report under consideration was being developed and subject to agreement by all parties it was intended to introduce the new template in the near future.

Options:

- (1) Whether to agree, amend or reject the recommendation to commit to the Partnership Memorandum of Understanding.
- (2) Whether to agree, amend or reject the recommendation to support the partnership approach to commissioning consultants as detailed in the report.
- (3) Whether to agree, amend or reject the proposals for development of a staff team as detailed in the report.

RESOLVED: that:-

- (1) The Council formally commits itself to the Partnership Memorandum of Understanding (as detailed in Appendix 1 to the report) and supports the undertaking of establishing a strategic settlement assessment.
- (2) The Council support the partnerships approach to Commissioning Consultants whilst also negotiating and reviewing how future phasing of interventions may take place within the partnership.
- (3) The Council contributes to the development of a staff team to support the development of the Partnerships work and progress the implementation of any future work of low demand coalfield housing across the sub region.

Reasons:

- (1) It is of Regional and Sub-Regional importance to agree a spatial context across the County for the future role and function of settlements. It is important to remember that establishing and agreeing an inclusive approach to such work is imperative due to a number of factors.
- (2) The alignment with other emerging Strategic Policy Documents and decisions, including the Regional Spatial Strategy, the Regional Economic Strategy, the Northern Growth Strategy, the Local Transport Plan, Local and Area Development Frameworks, the Building Schools for the Future Programme, the Housing Market Assessment, County Durham Housing Allocations, Investment Policies of other Public Agencies and others.
- (3) The priority that Regional bodies are prepared to give Local Authorities within the County Durham Sub-Region may diminish if an inclusive approach is not undertaken. This would not only give rise to issues of credibility for the Partnership in terms of

progressing the Coalfield Housing agenda, but could also seriously compromise the level of investment that maybe provided to County Durham Authorities for the Coalfields Initiative as well as funding from Regional sources per se.

- (4) It was not considered therefore that anything other than a fully inclusive approach from all authorities should be undertaken to establish a strategic settlement framework for the Sub-Region.

In accordance with the provisions of Section 94 of the Local Government Act 1972 and Standing Order Number 33, Councillor Watson declared an interest in the following matter, left the Chamber and took no part in the discussion and voting thereon.

19. SITE OF FORMER BADAJOZ COTTAGES, SALTERS GATE

Councillor Johnson presented the report which requested that the Executive consider possible courses of action which the Council could pursue in relation to the site of the former Badajoz Cottages near Salters Gate, in the light of legal advice which had been obtained.

The report detailed the following:-

- background of the site,
- procedural issues,
- arguments for and against an application for residential development/ issues of precedent,
- disposal of the site and the Crichel Downs Rules
- further considerations not covered in Counsel's advice.

Copies of Counsel's advice and photographs of the site were circulated at the meeting. The Director of Environmental Services was requested to explain the planning history of the site and the Crichel Downs Rules. He advised that each application for the site had been dealt with by following the correct planning procedures. However, the general impression from the Development Control Committee was the Council have been penalised for following these correct procedures. The Crichel Down rules were used in relation to compulsory purchase, which in effect require that where land had been acquired from a landowner, but was no longer required for the purpose intended, then in the first instance it should be offered back to that landowner. He also advised that if Members supported the recommendation there was the possibility that this issue could be referred to Government Office.

The Development Control Manager advised that alternative courses of action such as improving the condition of the site by possible landscaping schemes were also included in the report.

Scrutiny Board had made the following comments: "Consensus opposition against the proposal to seek planning permission for the site. Concerns expressed with regard to the condition of site and need to investigate potential remedial works. Scrutiny Board expressed reservation against this proposal".

Councillor Johnson commented that in his opinion, the two main things to consider were

- (i) to reclaim the Council's costs and
- (ii) the principle of having followed the correct planning procedures, the Council had been penalised by an out-of-date law.

Options:

- (1) Whether to agree, amend or reject the recommendation in the report to revisit the decision to apply for Planning Permission to develop the former Badajoz Cottages site.

RESOLVED: that:-

- (1) The previous decision to apply for Planning Permission to develop the former Badajoz Cottages site in the light of Counsel's advice and the further information contained in the report be re-affirmed, subject to the amendment that an application would be made under Regulation 3 of the Town and Country Planning General Regulations 1992.

Reason:

- (1) In order to ensure that a decision on the future of this site is taken in the light of relevant material considerations and in the full knowledge of implications for the Council's Planning Policies, and in accordance with statutory regulations governing the submission of planning applications by Local Authorities.

COUNCILLOR WATSON RETURNED TO THE MEETING AT THIS POINT.

20. COMPENSATION FOR MISSED REPAIR AND INSPECTION APPOINTMENTS

Councillor Watson presented the report which requested that the Executive consider the introduction of a compensation scheme and proposed level of payment for a missed appointment to be payable if either a Technical Officer or a Repair Operative fails to keep an agreed appointment.

Councillor Malone raised major concerns over some of the details in the report and asked for clarification on the criteria for a claim for compensation, the number of missed appointments and questions on whether the budget for this scheme included finance and administration costs. He was particularly concerned regarding the two-day criteria for a tenant making a claim. In response, the Senior Building Surveyor advised that the recent Best Value Review of repairs and maintenance, the Repairs Performance Monitoring

Group (which included Tenant Representatives) identified the missed appointments as a weakness. Research had revealed that other local authorities such as Brent and Lambeth had introduced a similar scheme with £10.00 compensation. Not many authorities in this Region offered compensation in this way and £10.00 was considered a reasonable amount to help increase customer satisfaction.

The Director of Housing & Capital Works advised that Derwentside was currently in the top quartile for performance relating to repairs and performance information predicated that approximately 950 would be missed appointments. He also advised that normally, if an appointment was missed the customer usually phoned within the hour to question whether there was a problem with the inspection, such a phone call would be accepted as valid as making a claim for compensation provided the compensation form was subsequently completed and submitted.

Councillor Watson commented that it was considered good practice to have a compensation scheme for missed appointments he, however, requested that this scheme be monitored through Scrutiny. The Director of Housing and Capital Works advised that the scheme would be monitored and reported in the Housing and Capital Works quarterly and annual reports to Scrutiny. He also advised that in order to reduce the number of possible compensation claims, targets for a reduction in missed appointments would be set and monitored. The Improvement Plan included a redesign of the job ticket, procedures and additional software which would accurately record appointments made and kept, hopefully, these improvements would see a significant reduction in the number of missed appointments.

Options:

- (1) Whether to agree, reject or amend the proposals in the report for compensation for missed repair and inspection appointments.

RESOLVED: that:-

- (1) The implementation of the Compensation Scheme as detailed in the report to commence 1st September 2005 be agreed.
- (2) The £10 level of compensation per missed appointment subject to the criteria as detailed in the report be agreed.
- (3) The resources for this scheme to be funded from the Profit and Loss account of the Area Units.

Reasons:

- (1) To comply with Egan Principles.
- (2) To compliment existing schemes.
- (3) To comply with best practice in the public and private sector.
- (4) To increase customer satisfaction.
- (5) To improve performance.
- (6) To complete an agreed action in the Best Value Improvement

Plan and Housing and Capital Works Service Plan.

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 Paragraph 12 of the Local Government Act 1972.

21. COMPLAINT AGAINST THE COUNCIL RELATING TO THE EXERCISE OF PLANNING FUNCTIONS AT YON-SIDE, BURNHOPE

Councillor Johnson presented the report which requested authority from the Executive in resolving a complaint concerning the exercise of planning functions.

The Legal Officer advised that this complaint had been considered by the Council's Standards Committee on 8th June 2005. He further stated that Durham County Council were treating this as a Highway Safety issue however, in view of the circumstances it would be prudent for the Council to resolve the issue as soon as possible.

Councillor Watson commented that in view of the circumstances of the situation and the Standards Committee's recommendations he thought it was fair to agree to the proposals provided that the Council's contribution was no more than £2500.

RESOLVED: that the recommendations of the Standards Committee be agreed as follows:-

- (1) Move the wall at no cost to the owner to a line to be agreed.
- (2) Ensure that the requirement on the Council to purchase the land is withdrawn.
- (3) Make a contribution to the complainant's costs provided the Council's contribution is no more than £2500.
- (4) Both Derwentside District Council and Durham County Council submit a suitably worded apology to the complainant.

CONCLUSION OF MEETING

The meeting closed at 5.55 pm.

Chair.