

EXECUTIVE

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on 24th April 2006 at 4.30 pm.

PRESENT

Councillor A. Watson, Chair

Councillors C.D. Christer, J.Huntley, O.Johnson, D.G. Llewellyn, and A. Taylor.

IN ATTENDANCE

Councillor W. Tyrie.

APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor M. J. Malone.

111. 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.

112. MINUTES

The minutes of the meeting held 8th March 2006 were agreed as a correct record.

113. ANNUAL AUDIT AND INSPECTION LETTER

Councillor Watson introduced Sue Reeve, Sarah Diggle and Paul Hepple from District Audit who were in attendance and presented the Annual Audit and Inspection Letter for 2004/05.

Briefly, the Key messages were:

- Council performance: The Council had made good progress on all of its priorities, and continues to work in partnership to make improvements for local people.
- The Accounts: An unqualified audit opinion on the accounts was given on 28th October 2005.
- Other accounts and governance issues: The Council had been assessed in five areas or 'themes'. Overall the Council had scored 2.

Overall Sarah Diggie emphasised that this was a positive message, District Audit highlighted that this was a 'harder test' than in previous years and the Council were already addressing the issues identified in the 2004/05 report.

The Chair thanked them for the presentation.

It was noted that Scrutiny Board had considered the letter and agreed that there were no significant issues to report.

Options: Whether to accept or reject the Annual Audit and Inspection Letter.

RESOLVED: That the Annual Audit and Inspection Letter be accepted.

Reasons: To comply with statute.

114. LINDISFARNE GOSPELS

Councillor Watson presented a letter received from Sunderland City Council requesting support for a resolution requesting the British Library to reconsider its decision to refuse an application by Tyne & Wear Museums to borrow the Lindisfarne Gospels to display in Sunderland.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether or not to support the request from Sunderland City Council.

RESOLVED:

That the Council support the motion by Sunderland City Council as follows:

This Council deplores the recent decision by the British Library to refuse the request of Tyne and Wear Museums to return the Lindisfarne Gospels to the North-East temporarily during 2006, in order that they might be displayed in Sunderland.

Furthermore, that this Council calls upon the British Library to reconsider its decision not to release the Lindisfarne Gospels for further loan until 2014 at the earliest and that this Council pledges itself to do all in its power to change the British Library's policy, which unreasonably deprives the people of this region of the opportunity to visit their own heritage.

Reason:

To support Sunderland City Council in their request to borrow the Lindisfarne Gospels to display in Sunderland.

115. RESPONSE TO THE RE-DEPOSIT DRAFT REPLACEMENT OF THE GATESHEAD UNITARY DEVELOPMENT PLAN

Councillor Johnson presented the report which set out the Council's response to Gateshead Council's invitation to comment on the Re-Deposit Draft Replacement of their Unitary Development Plan (UDP). It was noted that as the closing date for consultation had been 13th March 2006 the representations in the report had been forwarded to Gateshead Council to meet the deadline. However, it had been made clear that these were officer comments only, ahead of any consideration by the Executive.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report. The Board had supported the response by Officers.

Options: Whether or not to confirm in retrospect the officer representations sent to Gateshead Council.

RESOLVED:

That the representations outlined in the report in response to the invitation to comment on the Re-Deposit Draft Unitary Development Plan be confirmed.

Reasons:

1. The policies and proposals in the re-deposit draft UDP had been evaluated with respect to their likely impact on Derwentside.
2. Many of the objections Derwentside Council made to the previous Deposit Draft UDP of 2004 had been amended in the Re-Deposit document, while those which continued to raise concerns had been forwarded to Gateshead as Officer comments in order to meet the deadline.

116. LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Councillor Armstrong presented the report which outlined the new licensing arrangements for Homes in Multiple Occupations (HMO's). The report requested a decision upon the extent to which the Council wished to apply the new licensing powers; the degree to which to publicise the new legislative requirements; the way in which fees are to be calculated; and the resources required to implement the scheme.

Councillor Huntley welcomed the report and commented that these new arrangements would provide the Council with another method to identify and help vulnerable people, she also welcomed the proposals for annual reviews.

Councillor Lewellyn raised concerns regarding recommendation 5.5 in the report and commented that there was no evidence as yet for a re-grading of the post and he suggested that the wording be changed from "re-evaluated and re-graded" to "re-evaluated and **could be** re-graded".

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether to agree, amend or reject the proposals in the report regarding licensing arrangements for Homes in Multiple Occupation.

RESOLVED:

1. That the report be accepted.
2. That at this stage the Council only agree to seek the licensing of those Houses in Multiple Occupation falling into the mandatory category as defined in the Act.
3. That the Authority continues its local approach to publicising and promoting the new licensing regime.
4. That a cost accounting approach be adopted in relation to the setting of licensing fees.
5. That the post of Private Landlord Accreditation and Liaison Officer be re-evaluated and could be re-graded accordingly to reflect additional duties and responsibilities.
6. That a programme of annual reviews be agreed, to determine;
 - (i) Annual operational costs and licence fees.
 - (ii) The need to extend scope of the licensing scheme.
7. That a review of the charging regime be carried out within the next 5 years to ascertain whether it was necessary to impose additional fees prior to renewal of licences.
8. That the legislation be implemented using existing resources.

Reasons:

1. There is no evidence to suggest that the mandatory licensing scheme should be supplemented by an additional licensing scheme to cover all types of houses in multiple occupation within the District.
2. The proposed local publicity arrangements are a measured response to provide additionality to the proposed national publicity campaign.
3. The use of cost accounting in the calculation of fees is an accepted method of providing a coherent and transparent fee structure.
4. There is no need at present to apply additional resources to implement this legislation.

117. THE HOUSING HEALTH AND SAFETY RATING SYSTEM AND ATTENDANT ENFORCEMENT RESPONSIBILITIES

Councillor Armstrong presented the report which advised Members of the new Housing Health and Safety Rating System (HHSRS) and the impact this will have upon private sector housing enforcement work within the District. The report requested agreement to an enforcement action hierarchy, which was designed to both comply with the Council's statutory responsibilities and provide a consistent approach to the implementation of the Housing Act 2004.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether or not to agree to the recommendations in the report regarding the Housing Health and Safety Rating System.

RESOLVED:

1. That the implications of the Housing Health & Safety Rating System be noted.
2. That the enforcement action hierarch as outline within the report be endorsed.
3. A further report to be submitted to Members to review the impact of the new system.

Reasons:

To comply with the Council's statutory responsibilities and provide a consistent approach to the implementation of the Housing Act 2004.

118. DERWENTSIDE PRIMARY CARE TRUST – SELF-ASSESSMENT

Councillor Armstrong presented the report which sought the Executive's views on the Self-Assessment produced by Derwentside Primary Care Trust (PCT) which forms a key element in the new assessment framework for health service trusts.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether to add or amend any comments made to the Draft Assessment made in October 2005.

RESOLVED:

That it be noted that the PCT had assessed that they fully comply with the core standards within their Annual Health Check.

Reasons: To contribute to the self-assessment process of the Derwentside PCT Health Check.

119. EXCLUSION

RESOLVED: On the motion of Councillor W Armstrong, 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 Paragraph 12 of the Local Government Act 1972 (AS AMENDED).

120. VEHICLE RENEWAL GENERAL SERVICES 2006

Councillor Johnson presented the report which advised Members of the operational requirements for the replacement of vehicles in the General Services Division for the financial year 2006/2007 and recommended the necessary replacement of vehicles in order to meet operational requirements and fulfil statutory duties.

Councillor Watson commented that the methodology used should be monitored by Scrutiny.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether to agree, amend or reject the proposals in the report regarding vehicle renewal.

RESOLVED:

1. That the ordering of the vehicles direct from the most competitive and reliable supplier be approved.
2. That the funding of these vehicles is subject to an 'options appraisal' by the Director of Finance and the most advantageous method of obtaining these vehicles should be determined by the Director of Finance over the specified period of time.

Reasons:

1. The recommendations contained within the report will provide the Council with a modern fleet of refuse vehicles, which will have the least environmental impact for those reasonably obtainable, whilst providing the flexibility needed to address future issues such as recycling.
2. The additional Street Cleaning vehicle was introduced to operate an emergency response team to deal with urgent cleaning and fly tipping, which has proved very successful over the last two years and the option to lease the vehicle will reduce the cost currently borne by the use of a hired vehicle.

121. GENERAL SERVICES REFUSE MANAGER (NEW POST)

Councillor Armstrong presented the report which recommended proposals to create a new post within the Refuse Section of General Services to deal with a number of changes, operational requirements and statutory duties.

Councillor Johnson commented that the Audit Management letter had highlighted the under performance of the current recycling service and this post was part of the actions needed to improve the service.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether to agree, amend or reject the proposals in the report.

RESOLVED:

1. That the new position of Refuse Manager be advertised and filled following the Council's recruitment policy as a full time post.
2. That the successful candidate is qualified, or is working towards the required certificate of technical competence, to cover the statutory requirements of the Authority.
3. That the post to be funded by the Waste Performance and Efficiency Grant for the first 5 years. After such time the cost of employment be met from the Council's budgets.

Reasons:

The introduction of this new post is seen as an essential role in the introduction of the Twin Bin System due to commence this year.

122. LOCAL ENTERPRISE GROWTH INITIATIVE (LEGI)

Councillor Lewellyn presented the report which confirmed the success of the Local Enterprise Growth Initiative (LEGI) bid submitted by the Council in collaboration with three other District Councils. The report also sought approval of proposed implementation arrangements.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options:

1. Whether or not to agree to the courses of action set out in the report including the District Council taking on an Accountable Body role, for implementing the approved LEGI Programme.
2. To propose different courses of action to support delivery of the approved LEGI Programme.

RESOLVED:

That Option 1 above be agreed and that authority is granted to progress implementation of the LEGI Programme as set out in the report, including the District Council taking on a role of Accountable Body for the Programme.

Reasons:

This will allow speedy and appropriate implementation of the approved LEGI Programme.

123. CAPITAL PROGRAMME 2005/06 REVIEW

Councillor Huntley presented the report which appraised Members of changes to capital programme bids, requested approval of new bids and to show how resources had been allocated to priorities. This was part of the regular quarterly update and a further report was to be prepared for the July meeting.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options:

Whether to agree, amend or reject the proposals in the report regarding the Capital Programme 2005/06 Review.

RESOLVED: That the information contained in the report be noted.

Reasons:

To allow the limited available resources to be monitored and utilised in the most effective way, allowing the Council to mobilise the most essential projects.

COUNCILLOR JOHNSON LEFT THE MEETING AT THIS POINT

124. ALLENSFORD CARAVAN PARK

Councillor Huntley presented the report which sought approval to the letting of Allensford Caravan Park.

In response to Councillor Watson's question the Divisional Head of Land and Property advised that as part of the terms and conditions the lease would be the subject of an annual review.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether or not to grant a lease as detailed in the report.

RESOLVED:

That approval be given to grant a lease to the company named at 5.1 in the report on the terms and conditions set out within the report.

Reasons:

To ensure that the Caravan Park is run to modern standards and the necessity for the required capital investment to update and improve the Caravan Park will not fall on the Council.

125. OPTION FOR SITE AT VIEW LANE PARK, STANLEY

Councillor Huntley presented the report which sought approval to conclude an Option for land at View Lane Park, Stanley.

Councillor Taylor welcomed the regeneration opportunity to invest in the Ward and also the best financial option for the Council.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options:

1. Agree to offer an Option on the site as set out in the report.
2. Agree to offer an Option on terms different to those set out in the report.
3. Refuse to offer an Option on the site.

RESOLVED:

That an Option on the site for a term of 12 months be granted as detailed in the report.

Reasons:

This will enable detailed plans and proposals to be developed for future consideration.

126. DISPOSAL OF 18 KELVIN GARDENS, CONSETT

Councillor Huntley presented the report which advised Members of the disposal of the Council's freehold interest in the property 18 Kelvin Gardens, Consett.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: To consider the disposal of 18 Kelvin Gardens, Consett

RESOLVED: That the disposal of 18 Kelvin Gardens as detailed in the report be noted.

Reasons:

The sale of the Council's freehold interest in the property provided the best means of bringing the property back into beneficial use and will generate a capital receipt to the Council.

127. ACQUISITION AND DISPOSAL OF LAND AT TEMPLETOWN

Councillor Huntley presented the report which requested approval to acquire and dispose of area of land in Templetown.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether to approve, amend or reject the proposal in the report for land at Templetown.

RESOLVED:

1. That agreement be granted to dispose of the land subject to a deferred payment following completion of the development.
2. That the Council enter into an appropriate agreement to enable the development to be carried out, and:
3. To Acquire the areas of land to be used for public car-parking.

Reasons:

This was considered to be in the Council's best financial interests.

128. STANLEY BUS STATION C.P.O.

Councillor Lewellyn presented the report which advised Members on progress on the implementation of the Compulsory Purchase Order (CPO) relating to properties on Front Street, Stanley and to seek endorsement to the action taken.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether or not to endorse the actions taken regarding Stanley Bus Station CPO.

RESOLVED: That the action taken as detailed in the report be endorsed.

Reason: In order to expedite the completion of the Bus Station scheme.

129. CORPORATE ADMINISTRATION AND POLICY – DIRECTORATE REVIEW

Councillor Watson presented the report which sought approval for a number of changes to the Corporate Administration and Policy Directorate. The proposed changes were primarily centred around two of the Directorate's Divisions, namely Legal and the Corporate Strategy Unit although, if approved, the changes would also have implications for the Office of the Executive Director and the Environmental Services Directorate.

It was noted that staff and unions had been consulted on the proposed changes and it was reported that nothing had been received that would fundamentally alter the main changes set out in the report. Unison had responded to state that they had no objections to the recommendations and in principle believed the changes will assist the organisation in achieving the aspirations to improve performance as required by CPA criteria. GMB had responded with comments regarding three positions namely, the Head of Policy, Leader Support Officer and Courier and the nature of their concerns with these positions was outlined to Members.

Individual responses had also been received regarding to the proposed changes to the Elections function, these were primarily concerned with the level of support available to the team at times of workload peaks (i.e. the ability to draw on support from other staff). Members were advised that CMT had given their assurance that support would continue to be available at times of elections.

Other issues regarding responsibilities and job descriptions for the Elections Section were also raised and it was proposed that these issues were reviewed six months after implementation. The question of where the post of Courier should be situated was also raised and given that the post-holder also carried out caretaking duties it was suggested that the Executive Director be given responsibility for resolving the matter.

Councillor Taylor raised concerns regarding the post of Leader Support Officer and in response the Executive Director suggested that a review of the impact of the changes on the role and responsibilities of the post could be carried out six months after implementation.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether to agree, amend or reject the proposals in the report regarding the Corporate Administration and Policy Directorate Review.

RESOLVED:

1. That the recommendations detailed in Section 5 of the report be approved.
2. Following six months after implementation, the responsibilities and job descriptions of the posts of Scrutiny and Executive Support Manager, Senior Elections Officer, and the Leader Support Officer be the subject of a review.
3. That the Executive Director be granted responsibility for resolving the situation of the post of the Courier.
4. In accepting the proposed structure there was no agreement to the mainstreaming of any current temporary or externally funded posts.
5. A further assessment of member support services to be carried out following implementation and a report produced for Executive after the six month review of the posts noted above.

Reasons:

1. To achieve a better fit with actual operating practices.
2. To achieve efficiency savings as a consequence of LSVT.
3. To address workforce planning issues in the Directorate.
4. To ensure the Council can meet forthcoming statutory and inspection challenges.

130. STANLEY TOWN CENTRE – PHASE 2 REGENERATION

Councillor Lewellyn presented the report which updated Members on progress of the Stanley Town Centre – Phase 2 Regeneration project. The report updated Members on the following matters:

- Negotiations relating to a major private sector development proposal for the Stanley Core Retail Area
- Progress on the Stanley Bus Station Project
- Negotiations regarding land for the development of a new medical centre

The Director of Development and Asset Management highlighted that Officers were requesting that authority be granted to progress legal conclude the agreement relating to the medical centre land.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Options: Whether to agree, amend or reject the proposals in the report to progress the Stanley Town Centre Phase 2 regeneration project.

RESOLVED:

1. That authority be granted for Officers to conclude an agreement with Derwentside PCT for disposal of the current car park to the rear of Thorneyholme Terrace, subject to planning permission being obtained for the purposes of developing a Medical Centre.
2. That authority be granted to progress a Development Agreement relating to the major redevelopment proposal for Stanley Core Retail Area for approval by Executive.

Reasons:

1. To allow negotiations with Derwentside PCT to be concluded as quickly as possible and also allow Members to see full details of the town centre Development Agreement prior to it being concluded.

131. THE DISSOLUTION OF HAMSTERLEY TENANT MANAGEMENT ORGANISATION

Councillor Christer presented the report which sought agreement for the winding up of the Hamsterley Tenant Management Organisation. The advised that at Cabinet on 2nd April 2001, Members had agreed to support the Hamsterley and Low Westwood Residents Association through the development stage of the Right to Manage. Timescales for the completion of the development process were estimated at two years.

Unfortunately attendance had continued to decline and at a meeting which took place on Thursday 29th September 2005, four residents were in attendance, two of whom were the chairman and secretary. The group was unable to be signed off as competent due to the lack of support from the estate and the resolution to dissolve the organisation was agreed.

It was noted that Scrutiny Board had considered the report and agreed that there were no significant issues to report.

Option: To consider the dissolution of Hamsterley Tenant Management Organisation.

RESOLVED:

That the dissolution of the Hamsterley Tenant Management Organisation be noted.

Reasons:

A substantial level of officer support had been afforded to the Hamsterley (TMO) and the commitment by the chairman and the secretary of the group was commended, it was unfortunate that there was insufficient support from the remainder of the estate to sustain the organisation.

CONCLUSION OF MEETING

The meeting closed at 6.23 p.m.