

EXECUTIVE

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on 11th June 2007 at 4.30 p.m.

PRESENT

Councillor: A Watson (Chairman)

Councillors: O Johnson, D Lavin, D G Llewellyn and M J Malone

IN ATTENDANCE

Councillor W Stelling

APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors C D Christer and A Taylor.

1. REVIEW OF SCRUTINY BOARD DEBATE

A list of items discussed at Scrutiny Board on 4th June 2007 (enclosed as Appendix A) were circulated, the Chair advised that the comments, if any, would be referred to as each agenda item was discussed.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. MINUTES

RESOLVED: That the minutes of the meeting held 2nd April 2007 be agreed as a correct record.

4. PROPOSAL FOR FUTURE UNITARY STRUCTURES: STAKEHOLDER CONSULTATION

Councillor Watson presented the report which requested that Members note the announcement made on 27th March 2007 from the Secretary of State for the Department of Communities and Local Government (DCLG) regarding the results of the stage one assessment for potential future unitary structure. The report set out the consultation process for short-listed proposals announced by the

Government and details of the proposed arrangements for the preparation of a response to the consultation by the deadline of 22nd June 2007.

Members were reminded that the Local Government White Paper (Strong and Prosperous Communities) contained within it an invitation for local authorities in Shire areas to make proposals for Unitary Local Government, or to establish partnerships of a County and all District Councils in the County area to pioneer as pathfinders new models of two-tier working.

Two bids were subsequently submitted for the County Durham area – one bid from the County Council for a single unitary authority and another counter bid, by six districts in the County (excluding City of Durham Council). These were subject to a ‘stage one’ evaluation by the DCLG and assess in terms of their likelihood to deliver improvements against five specified criteria. The proposal put forward by Durham County Council has been put forward to ‘stage 2’, the stakeholder consultation stage. The District bid was rejected by DCLG and had not been short-listed.

As agreed at Full Council on 10th April, 2007 and given that the list of consultees had excluded residents, it was determined that the Council would fund a referendum to establish the views of local people towards such a fundamental change. The results of the referendum are expected on 15th June and will form part of the consultation submission to the Secretary of State.

Councillor Watson further advised that it was the intention to announce the results of the referendum on 19th June 2007 in the House of Commons.

Councillor Llewellyn commented that he would like to place on record that he had been greatly concerned that the members of the public had been missing from the proposals put forward for stakeholder consultation provided by the Government.

The Chairman referred Members to the notes of Scrutiny Board held 4th June 2007. Due to the tight timescales for dealing with such responses the Leader of the Council and the Chief Executive were seeking agreement to submit the Council’s response.

Options: Whether to agree, reject or amend the approach proposed to be taken regarding the future unitary structure for County Durham.

RESOLVED: That the approach being taken to prepare the Council’s response to the consultation proposals for future unitary structures be agreed and to further agree that the Chief Executive be delegated to approve the final submission in consultation with the Leader of the Council.

Reasons:

In order to achieve maximum efficiencies, it is preferable to work in partnership with neighbouring districts to prepare the Council's response to the consultation. It is necessary to delegate authority to the Chief Executive and Leader of the Council for final approval of the submission in order to incorporate outstanding information from the referendum as well as independent analysis of the unitary proposal.

5. EXCLUSION

RESOLVED: That on the motion of Councillor Malone seconded by Councillor Llewellyn that under Section 100(A) 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 1 of the Local Government Act 1972 (As Amended).

6. TANFIELD LEA BUSINESS CENTRE

Councillor Llewellyn presented the report, the purpose of which was to provide an update on the funding position of the Tanfield Lea Business Centre. In particular the report focused upon the actions taken in accepting the grant conditions that One NorthEast have enforced as part of their offer of providing external funding.

Members were asked to note that the offer from One NorthEast was the largest made to any project in the Sub Regional Partnership and was a reflection of the robust application and the ability of the Council to deliver quality projects.

A number of factors had been assessed in considering the offer of funding offer from One NorthEast including job creation and impact. It was estimated at up to 200 new jobs could be created in the Business Centre, impacting significantly and boosting the local economy.

The Chairman referred Members to the notes of Scrutiny Board held 4th June 2007.

Options:

- (i) To reject the offer of external funding from One NorthEast
- (ii) To accept the offer of funding from One NorthEast with conditions, as detailed in the report.
- (iii) To negotiate a revised offer with One NorthEast.

RESOLVED: That Option (ii) on the report be agreed, to accept the offer of funding from One NorthEast with conditions, as detailed in the report.

Reasons:

- (i) The offer of funding was substantial and would enable the Council to develop a project of regional significance that will provide new jobs and investment in Derwentside.
- (ii) The conditions attached to the offer, whilst disappointing will not jeopardise the sustainability of the project or overall value for money.
- (iii) The offer of funding had a short acceptance period and did not allow an opportunity to go to the Council's Executive for prior agreement.
- (iv) The option to negotiate a revised offer was unlikely to result in a higher level of funding and could have resulted in the current offer being withdrawn.

7. THE HEALTH ACT 2006 – REGULATION OF SMOKING IN SMOKE-FREE PREMISES, PLACES AND VEHICLES

Councillor Lavin presented the report, the purpose of which was to seek Executive endorsement of an enforcement policy (attached as Appendix 1) for the regulation of smoking in smoke-free premises, places and vehicles.

The document outlined the key principles of enforcement of the Smoke-free provisions of the Health Act 2006 and the Regulations made under it, namely:

- Smoke-free (Premises and Enforcement) Regulations 2006
- Smoke-free (Signs) Regulations 2007
- Smoke-free (Exemptions and Vehicles) Regulations 2007
- Smoke-free (Penalties and Discounted Amounts) Regulations 2007
- Smoke-free(Vehicle Operators and Penalty Notices) Regulation 2007

The approach to enforcement was to be non-confrontational, focusing on raising awareness and understanding to ensure compliance. Enforcement officers were expected to work closely with businesses to build compliance through education, advice and support before the legislation

The Chairman referred Members to the notes of Scrutiny Board held 4th June 2007.

Options:

- (i) Whether to agree, reject or amend the draft Enforcement Strategy for the regulation of smoking in Smoke-free premises.
- (ii) Whether to agree, reject or amend the proposal for the appointment of the Temporary Technical Officer / Environmental Health Officer.

RESOLVED:

1. **That the draft Enforcement Strategy for the regulation of smoking in Smoke-free premises stated in Appendix 1 of the report be agreed.**
2. **That the appointment of the Temporary Technical Officer / Environmental Health Officer for a twelve month period be agreed.**

3. **That a further report be considered, following the implementation of the Health Act 2006, in particular the regulatory impact of the legislation within Derwentside.**

Reasons:

- (i) In order to comply with The Health Act 2006 – Regulation of Smoking in Smoke-free Premises, Places and Vehicles.
- (ii) Derwentside District Council is an Enforcement Authority for the purposes of the Smoke-free provisions of the Health Act 2006.

CONCLUSION OF MEETING

The meeting closed a 4.40 p.m.