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Date: 9<sup>th</sup> January 2009

## **TO ALL MEMBERS OF COUNCIL**

Dear Councillor,

Your attendance is invited at the **ORDINARY MEETING OF COUNCIL** to be held in the Council Chamber, Civic Centre, Consett on **Tuesday 20<sup>th</sup> January 2009 at 6.00 p.m.** for consideration of the undernoted agenda.

Yours faithfully,

**M. CLARK**  
**Executive Director**

## **A G E N D A**

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS**

To receive any disclosure by Members of personal interests in matters on the agenda, identify the item on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct.

**3. TO CONFIRM THE MINUTES OF THE FOLLOWING MEETING:**

Ordinary Meeting of the Council held on the 21<sup>st</sup> October 2008  
(Herewith 'A')

**4. COMMON SEAL OF THE COUNCIL**

To authorise the affixing of the Common Seal of the Council to  
the following documents:-

To authorise the affixing of the Common Seal of the Council to the following  
documents:-

(A) Burial Grants:

098/08 – 104/08  
115/08 – 120/08  
128/08 – 141/08

(B) Cancellation of entries relating to a Registered Charge:

5 Williams Close, Stanley, Co Durham (DS1 for repayment discount)  
Land at Royal Harperley Gardens Estate, Catchgate

(C) Transfers from the Council:

Land adjacent to Thomas Street, Craghead, DH9 6DX  
Land adjacent to 35 Lambton Gardens, Burnopfield, NUT, NE16 6JY  
Land to the North of Front Street, Craghead Co Durham DH9 6DP  
Land adjacent Manor House, Tanfield Lea, Co Durham DH9 9NT  
Cemetery Lodge, Land situate at Queens Road, Blackhill, Consett

(D) Tree Preservation Order:

TPO 206: Ashdale, Burnhope  
TPO 079: Former Shotley Bridge Hospital  
TPO 19: Railway Terrace, Hamsteels 2008  
TPO 134A: 38 Fines Road, Medomsley  
TPO 111: Snows Green, Shotley Bridge 2008  
TPO 134: Varied to B4A (2 Dec 3008) 38 Fines Road, Medomsley  
TPO 179A: Derwent Drive, Annfield Plain  
TPO 1990: Railway Gardens, Annfield Plain

(E) Agreement:

DDC and ROK Building Ltd relating to the construction of a new Business Centre at  
Tanfield Lea Industrial Estate, Stanley, Co Durham.  
DDC and Dave Black Construction (conversion of Park Lodge to Heritage Centre,  
Blackhill Park, Consett).  
DDC and Dave Black Construction (Erection of public shelter and entrance feature,

Moorside Cemetery)

- (F) Section 106 Agreement:

South Moor Hospital, Middles Road, Craghead, Co Durham DH9 6AD  
Relating to land at Middles Farm, Middles Road, The Middles, Craghead, Co Durham

- (G) Agreement under Section 104 of the Water Industry Act 1991: relating to Sewers at Royals Estate, Catchgate, Stanley, Co Durham

- (H) Section 21 of the Town Police Clauses Act 1847 for the prevention of obstruction of streets set out in the order, Road Closure Order Remembrance Day, Craghead.

- (I) Derwentside Homes Ltd and DDC Family Intervention Project (provision of accommodation Dispersed Unit Agreement

- (J) Lease:

DDC and Derwentside Enterprise Agency C.I.C relating to Unit 1 Ponds Court, Consett

5. **TO RECEIVE ANY COMMUNICATIONS FROM THE CHAIRMAN, LEADER, EXECUTIVE MEMBERS AND HEAD OF PAID SERVICE**

6. **TO RECEIVE ANY PETITIONS FROM MEMBERS OF THE COUNCIL**

7. **THE ASKING AND ANSWERING OF ANY QUESTIONS UNDER STANDING ORDER 10**

8. **TO RECEIVE AND CONSIDER ANY REPORTS AND RECOMMENDATIONS OF COMMITTEES**

9. **TO CONSIDER ANY STATEMENTS BY THE LEADER OF THE COUNCIL AND EXECUTIVE MEMBERS ON THE WORK OF THE EXECUTIVE AND ANY STATEMENTS BY COMMITTEE/PANEL CHAIRS. IT WILL BE OPEN TO ANY MEMBER OF THE COUNCIL TO ASK QUESTIONS ON THESE STATEMENTS**

10. **TO ADJUDICATE ON ANY 'CALL-IN' ITEMS REMITTED TO FULL COUNCIL WHERE THE EXECUTIVE HAVE NOT ACCEPTED THE SCRUTINY COMMITTEES DECISION, REASONS OR FINDINGS IN WHOLE OR IN PART**

11. **TO CONSIDER ANY MOTIONS OF WHICH NOTICE HAS BEEN SUBMITTED BY MEMBERS OF THE COUNCIL IN ACCORDANCE WITH STANDING ORDER 9 IN THE ORDER IN WHICH THEY ARE RECORDED AS HAVING BEEN RECEIVED**

12. **TO RECEIVE ANY QUESTIONS FROM, AND PROVIDE ANSWERS TO, THE PUBLIC IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ARE RELEVANT TO THE BUSINESS OF THE MEETING**

13. **RESIGNATION OF COUNCILLOR D. MCMAHON**

To receive the resignation of Councillor D. McMahon as of the 5<sup>th</sup> November 2008.

14. **NEW PUBLICATION SCHEME UNDER THE FREEDOM OF INFORMATION ACT 2000**

To consider the report of the Legal and Licensing Services Manager (Herewith 'B')

15. **AMENDMENT TO COUNCIL'S CONSTITUTION**

To consider the report of the Director of the Legal and Licensing Services Manager (Herewith 'C')

16. **TRANSFER OF LAND TO DERWENTSIDE HOMES**

To consider the report of the Deputy Chief Executive (Herewith 'D')

Please note that if you wish to view a copy of the petition and letters of objection received, then you can do so by contacting Gerard Darby, Land and Property on 218035.

17. **EXCLUSION**

**THE PRESS AND PUBLIC ARE LIKELY TO 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 3 OF PART 1 OF SCHEDULE 12(A) OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED)**

18. **EAST DERWENTSIDE CREDIT UNION – REQUEST FOR FINANCIAL ASSISTANCE.**

To consider the report of the Chief Executive Officer (Herewith 'E')

19. **LGR STAFFING ISSUES**

To consider the report of the Head of Organisational Development (Herewith 'F')

## **ORDINARY MEETING OF THE COUNCIL**

Minutes of an Ordinary Meeting of the Council held in the Council Chamber, Civic Centre, Consett on Tuesday 21<sup>st</sup> October 2008 at 6.00 p.m.

### **Present**

Councillor E. Turner (Chairman)  
Councillor S. Rothwell (Vice-Chairman)

Councillors J.I. Agnew, R. Alderson, A. Atkinson, D.I. Barnett, D. Bennett, M. Campbell, C. Christer, H. Christer, T. Clark, B. Cook, G. Coulson, J. Docherty, E.J.S. Edwards, R. Ellis, K. English, B. Gray, R. Hemsley, D. Hicks, D. Hume, J.C. Hunter, O. Johnson, D. Lavin, D. Llewellyn, M.J. Malone, I. McElhone, O. Milburn, P. Murray, J. Nicholson, T. Parry, T. Pattinson, G. Reid, W. Stelling, A. Taylor, O.L. Temple, F. Todd, W. J. Tyrie, D. Walton, A. Watson, T. Westgarth, J. Williams, J. Wilson, M. Wotherspoon and R. Young.

### **In Attendance:**

P. Marshall – Young People’s Forum

## **52. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors G. Beckwith, D. Broadley, P.D. Hughes, C. Marshall, L. Marshall, D.V. McMahon, S. Mellor, R. Ord, A. Shield, M. Westgarth.

## **53. LONG SERVICE AWARDS**

The Chairman of the Council presented personally engraved wristwatches to the following employees to commemorate their years of service with Derwentside District Council:

- Andrew Chipchase
- Maurice Clarke
- Michael Connolly
- Colin Davidson
- Kenneth Graham

It was noted that the following employees had been invited to attend the meeting to receive the award but had been unable to be present. Arrangements would be made for the wristwatch to be forwarded at the earliest opportunity.

- Kim Cramb
- Helen Tyres
- Alan Clark

- James Hand
- David Stoker

The Chairman then expressed his personal thanks to Ged Cronney who had also been eligible to receive an award however; he had requested that the equivalent amount be donated to the Chairman's Charity Appeal.

#### **54. MINUTES**

The minutes of the following meetings were agreed as a correct record:-

- Special Meeting of the Council held 30<sup>th</sup> June 2008.
- Special Meeting of the Council held 30<sup>th</sup> September 2008.

#### **55. COMMON SEAL OF THE COUNCIL**

To authorise the affixing of the Common Seal of the Council to the following documents:-

(A) Burial Grants:

024/08 – 036/08  
 037/08 – 050/08  
 054/08 – 067/08  
 079/08 – 090/08

(B) Cancellation of entries relating to a Registered Charge:

2 York Street, Catchgate. Stanley, Co Durham, DH9 8SN

(C) Contract:

For the sale of freehold land with vacant possession at 47 Wylam Street, Craghead, Stanley  
 For the sale of freehold land with vacant possession at 42 Railway Street Craghead, Stanley

(D) Contract and Transfer:

60 Sheridan Drive, Fellside Estate, Stanley, Co Durham

(E) Transfers from the Council:

Land at East View, Harelaw, Stanley, Co Durham  
 Land at Hownsgill, Consett, Co Durham  
 Land on the North side of 77 Durham Road, Blackhill, Consett, Co Durham  
 DH8 8RR  
 Land at Busty Bank, Burnopfield  
 Approx 34 square metres of land adjacent to 12 Waveney Gardens, South Stanley, Co Durham, DH9 7NE  
 Land situate at Derwent Crescent, Hamsterley

- The Dugout, High Westwood  
Land situate at Shaw Lane, High Westwood
- (F) Deed of Release of Covenants:
- 380 Square Yards or thereabouts situate at Provident Terrace, Annfield,  
Co Durham  
In relation to the freehold land at the North West side of Consett, Park  
Terrace, Moorside. DDC and Haslam Homes
- (G) Tree Preservation Order:
- 202: Woodlands Hall  
201: Esh Hall, Esh (Varied)  
203: Finnings Farm (Varied)  
204: Deanery Cottages  
155: Ushaw Farm, Hill Top, Esh (Varied)  
023: Esh Glebe House, Esh
- (H) Transfer to the Council:
- George Wimpey, open space at the Elms, Shotley Bridge, Co Durham  
Land at Herrington Close, Langley Park, Co Durham
- (I) Licence to Sub Let:
- Between DDC, Treadstone Limited and BTCV Enterprises Ltd, relating to  
53 Derwentside Business Centre
- (J) Dedication Agreement:
- Land at Hadrians Way Estate, Ebchester
- (K) Assignment of Contract Hire Agreement:
- Between DDC, Derwentside Homes and Lloyds TSB Autolease Limited.
- (L) Road Closure Order:
- Remembrance Day Parade 9<sup>th</sup> November 2008.
- (M) Licence:
- Relating to Stanley market at Front Street, Stanley, Co Durham

## **56. DECLARATIONS OF INTEREST**

The following Councillors declared an interest in Item 12 on the Agenda – Notice of Motion received from Councillor A. Watson.

- C. Christer                      Derwentside Homes Board Member
- W. Stelling                      Derwentside Homes Board Member
- D. Llewellyn                    Derwentside Homes Board Member
- O. Milburn                      Derwentside Homes Board Member
- R. Alderson                     Derwentside Homes Board Member

**57. TO RECEIVE ANY COMMUNICATIONS FROM THE CHAIRMAN, LEADER, EXECUTIVE MEMBERS AND HEAD OF PAID SERVICE**

Members were informed that a letter had been received from the Royal National Institute of Blind People (RNIB) the letter was attached as Appendix A to the report. The letter advised of a national campaign launched in August 2006 by the RNIB to ensure blind residents were given access to essential mobility benefits to enable them to travel safely and live independently. The RNIB had requested that a motion, which they had drafted, be submitted to the Council for consideration.

The Director of Corporate Administration and Policy reminded Members that Derwentside was the first District Council in Durham to provide bus passes to carers of disabled people.

Councillor Watson advised of his support for issue, as he believed that accessibility, mobility and independent living were important priorities for all residents of Derwentside. He therefore moved the **MOTION** as detailed in the report. This was seconded by Councillor M. Malone.

The Chairman put the motion to the vote.  
Following a vote the **MOTION** was declared **CARRIED**.

**RESOLVED:**

1. That the Chief Executive and Leader of the Council write to the Secretary of State for Work & Pensions, the Rt Hon James Purnell MP, expressing concerns as detailed in the report.
2. The Chief Executive and Leader of the Council write to the local MPs asking that they sign up to EDM number 1982 and write to the Secretary of State expressing concerns.
3. Support the Royal National Institute of Blind People (RNIB) campaign on Securing the higher rate mobility component of Disability Living Allowance for blind people.

**58. TO RECEIVE ANY PETITIONS FROM MEMBERS OF THE COUNCIL**

The Chief Executive advised that no petitions had been received.

**59. THE ASKING AND ANSWERING OF ANY QUESTIONS UNDER STANDING ORDER 10**



The Chief Executive advised that there were no items to bring to the Council's attention.

**60. TO RECEIVE AND CONSIDER ANY REPORTS AND RECOMMENDATIONS OF COMMITTEES**

The Chief Executive advised that there were no items to bring to the Council's attention.

**61. TO CONSIDER ANY STATEMENTS BY THE LEADER OF THE COUNCIL AND EXECUTIVE MEMBERS ON THE WORK OF THE EXECUTIVE AND ANY STATEMENTS BY COMMITTEE / PANEL CHAIRS**

The Chief Executive advised that there were no items to bring to the Council's attention.

**62. TO ADJUDICATE ON ANY "CALL-IN" ITEMS REMITTED TO FULL COUNCIL WHERE THE EXECUTIVE HAVE NOT ACCEPTED THE SCRUTINY COMMITTEES DECISION, REASONS OR FINDINGS IN WHOLE OR PART**

The Chief Executive advised that there were no items to bring to the Council's attention.

**In accordance with the provisions of the Local Government Act 1972 and Standing Order 33, Councillors C. Christer, W. Stelling, D. Llewellyn, O. Milburn and R. Alderson declared a prejudicial interest in the following item of business as they sat on the Derwentside Homes Board. They therefore left the meeting at this point and took no part in the discussion or decision made.**

**63. TO CONSIDER ANY MOTIONS OF WHICH NOTICE HAS BEEN SUBMITTED BY MEMBERS OF THE COUNCIL IN ACCORDANCE WITH STANDING ORDER 9 AND 22 IN THE ORDER IN WHICH THEY ARE RECORDED AS HAVING BEEN RECEIVED.**

Motion received from Councillor A. Watson – Disposal of land to Derwentside Homes.

Councillor Watson advised that the required number of Members had signed a MOTION which requested that the decision of the Special Meeting of the Council made on 30<sup>th</sup> September 2008 with regard to item 7 (Disposal of land to Derwentside Homes) be considered at the Ordinary Meeting of the Council to be held on 21<sup>st</sup> October 2008, and that a re-worded recommendation be put before Members. (Minute Number 59 refers). He further advised that after the word

“social” he wished to delete “and affordable housing” and insert “housing for rent”.

He therefore proposed the following **MOTION**:

Subject to approval through the Local Government Reorganisation process, the sites detailed in the report at Para.3.10 are disposed of to Derwentside Homes for the development of social housing for rent for the district. Any disposals must be on the clear proviso that Derwentside Homes have developed a detailed site-specific proposal that will be delivered within three years of each individual disposal.

This was **SECONDED** by Councillor M. Malone.

Councillor Watson advised Members that Derwentside Homes had been set up by the Council to run the housing stock for the District. Recent research had identified the need for more social housing and houses for rent in the area. Derwentside Homes had a unique position as it could access 45% grants from Housing Corporation. This could result to £42 million pounds of investment in the Derwentside over the next three years.

Councillor O. Temple raised a question on which housing associations if any, had requested permission to build on any of the sites. In response Councillor Watson advised that a recent letter had been received from Durham Aged Miners Homes requesting advice on potential sites for bungalows for older persons in the District however, no other requests had been received.

Councillor Temple then proposed the following: **AMENDMENT TO THE MOTION**

- Substitute first reference to Derwentside Homes with: “Derwentside Homes and one or more other housing associations operating within the district”.
- Substitute “social and affordable housing” with “social housing for rent”.
- Substitute second reference to “Derwentside Home have” with “the housing association concerned has”

The **AMENDMENT TO THE MOTION** therefore reads:

“It is recommended that, subject to approval through the Local Government Reorganisation process, the sites detailed in the report at paragraph 3.10 are disposed of to Derwentside Homes and one or more other housing associations for the development of social rented housing for the district. Any disposal must be on the clear proviso that the housing association concerned has developed a detailed site specific proposal that will be delivered within three years of each individual disposal”..

Councillor Temple commented that he welcomed the return of this issue for two reasons:-

- 1) Social rented housing was very desirable and he welcomed this.
- 2) The issue was to be debated in public.

He raised the concerns regarding the original motion as only one limited company would have a predominantly controlling role for social housing in the District.

He then advised that he had nothing against Derwentside Homes but he believed this was a fairly new organisation and wondered if they had all the necessary expertise to undertake all the social housing in the area. He commented that supporting his amendment would bring the following benefits:-

- Open up opportunities for the widest number of social housing providers- e.g. Durham Aged Miners Homes were very keen to pursue new development in Derwentside.
- Widen the net of talent to develop social housing.
- Extra providers of social housing would provide additional expertise.

He therefore urged Members to support the amendment.

The Chief Executive advised that Derwentside Homes were part of the Spirit Group and this was accepted by the Housing Corporation therefore, the organisation had access to all the technical expertise required. He further advised that correspondence had been received from Durham Aged Miners Homes and arrangements had been organised to take discussions forward.

Councillor Docherty commented that the Stanley area had some of the most deprived Wards in the District and had previous experience of housing association development and gave examples as follows:

- Housing associations used different criteria for allocation of social housing and this had not always benefited the residents of Derwentside.
- Housing associations did not always understand the local area and
- Major problems had arisen from tenants who had been allocated to housing association developments.

She also raised concerns that the amendment did not clarify whether or not private landlords were included.

Councillor H. Christer advised that she agreed with Councillor Docherty's comments and that a number of years ago her Ward had experienced similar problems with a housing association development. The housing association did not know or understand the local area and problems had developed and the final result had been that eventually the development had to be pulled down.

Councillor Watson commented as follows:

- Derwentside Homes had been set up by the Council to provide social housing for the area.
- Durham Aged Miners Homes request was being considered separately.
- Derwentside Homes could access 45% grants.
- Approximately 4,500 people on the waiting list for housing.
- The Council are the Strategic Housing Authority for the area.

The Chairman put the **AMENDMENT TO THE VOTE.**

Following the vote the **AMENDMENT WAS DECLARED LOST.**

The Chairman then put the **ORIGINAL MOTION TO THE VOTE.**  
Following the vote the **ORIGINAL MOTION WAS DECLARED CARRIED.**

The Council **RESOLVED:**

Subject to approval through the Local Government Reorganisation process, the sites detailed in the report at Para.3.10 are disposed of to Derwentside Homes for the development of social houses for rent for the district. Any disposals must be on the clear proviso that Derwentside Homes have developed a detailed site specific proposal that will be delivered within three years of each individual disposal.

**Councillor J. Wilson left the meeting at this point.**

**Councillors C. Christer, W. Stelling, D. Llewellyn, O. Milburn and R. Alderson returned to the meeting at this point.**

**64. TO CONSIDER ANY MOTIONS OF WHICH NOTICE HAS BEEN SUBMITTED BY MEMBERS OF THE COUNCIL IN ACCORDANCE WITH STANDING ORDER 9 IN THE ORDER IN WHICH THEY ARE RECORDED AS HAVING BEEN RECEIVED.**

In accordance with Standing Order 9 Councillor I. McElhone submitted a motion which had appeared on the Council agenda. He subsequently submitted an alteration to the original Motion and a copy was circulated to all Members prior to the meeting. This notice therefore superceded the original Motion as detailed on the agenda.

Councillor McElhone addressed the meeting as follows:

1. In relation to Derwentside District Council's recent unsatisfactory positioning in the above mentioned Encams Environmental Quality Report and thereafter with specific regards to the unsatisfactory results shown for litter problems mentioned in the areas of Cleansing Standards and Landscaping within that same report, AND

2. At the same time taking into account the Fixed Penalty Notice data contained in the above described LEAF document which shows the extremely small number of Fixed Penalty Notices issued by Derwentside District Council for dog-fouling when compared to other Districts and Boroughs within County Durham,(this is also without taking into account Fixed Penalty Notices for littering as Derwentside District Council has no Enforcement Officers in that role and no data was provided within the named LEAF report to compare the issuing of Fixed Penalty Notices in other authorities within County Durham) that therefore; Derwentside District Council calls upon its Chief Executive Officer and Officers from the relevant work streams which would deal with Enforcement matters to

approach the Unitary Authority and seek permission to directly and permanently recruit into Derwentside two Enforcement Officers. The primary benefit from this recruitment would be the obvious and rapid enhancement of the quality of life for residents across Derwentside and secondary, negating the necessity for the Unitary Authority to redeploy existing Enforcement Officers from their present locations which may suffer from their relocation.

In the event of the above application being unsuccessful with the Unitary Authority for direct employment of Enforcement Officers, then the paragraphs below to be en-actioned.

3. Derwentside District Council is mindful of the coming harmonisation of services under a Unitary Council, and the stated intention that services across the county be brought up to those in the best of each local authority.

In keeping with the principles of harmonisation of services, and in a spirit of co-operation, Derwentside District Council has (to the best of my knowledge) provided assistance in terms of expertise and manpower to neighbouring authorities.

He therefore proposed the following **MOTION**:

“I would therefore ask that Derwentside District Council calls upon its Chief Executive Officer to approach the relevant unitary/county-wide work stream responsible for control of dog-fouling and littering enforcement (believed to be “streetscape”) and to request that it now provides expertise and manpower to support Derwentside District Council in respect of these issues in order that the promise of equality of service can be delivered from the inception of the new authority. Derwentside District Council further calls upon its Chief Executive Officer to provide details of the response it receives to this request within one month of this resolution being put”.

This was **SECONDED** by Councillor D. Barnett.

Councillor Watson commented that litter was an issue across the whole County and not just Derwentside. The Encams report showed that only two Councils in the County had performed better than Derwentside and that on the whole Derwentside was doing well however, the details would be debated at Scrutiny.

There were a total of 81 litter wardens employed across the County and once the new unitary authority was in place Derwentside should receive a share of those resources. He further advised that whilst he supported the sentiments of the Councillor McElhone’s Motion he moved the following **AMENDMENT TO THE MOTION**: “That Derwentside District Council supports the principle of litter enforcement and that this be forwarded the County Council”.

This was **SECONDED** by Councillor M. Malone.

The Chairman put the **AMENDED TO THE VOTE**.

Following a vote the **AMENDMENT WAS DECLARED CARRIED**.

The Council  
**RESOLVED:**

That Derwentside District Council supports the principle of litter enforcement and that this be forwarded the County Council”.

**65. TO RECEIVE ANY QUESTIONS FROM AND PROVIDE ANSWERS TO THE PUBLIC IN RELATION TO MATTERS WHICH IN THE OPINION OF THE CHAIRMAN ARE RELEVANT TO THE BUSINESS OF THE MEETING.**

**66. BY-ELECTION RESULTS – CASTLESIDE WARD**

The Corporate Administrator reported the result of the by-election held at 17<sup>th</sup> July 2008 in respect of Castleside Ward as follows:-

	<u>No. of Votes</u>
M. Wotherspoon	297
M. Carr	65

**RESOLVED** that the report be received.

**67. APPOINTMENT OF NEWLY ELECTED COUNCILLOR TO COMMITTEES**

The Director of Corporate Administration and Policy invited the Council to formally endorse the appointment of Councillor M. Wotherspoon to the committee places as detailed in the report.

**RESOLVED** that Councillor M. Wotherspoon be appointed to the following committee places:-

- Overview and Scrutiny Committee.
- Community Safety & Strong Communities Scrutiny Panel.
- Development Control Committee.
- Procurement Committee.
- Ordinary Meeting of the Council.

**68. ALLOCATION OF SEATS ON COMMITTEES AND APPOINTMENT TO OUTSIDE BODIES.**

The Director of Corporate Administration and Policy invited the Council to formally endorse the appointment of Councillor M. Wotherspoon to Castleside Youth Centre Management Committee.

**RESOLVED:** that Councillor M. Wotherspoon be the Council’s representative to the following:

- Castleside Youth Centre Management Committee.

**69. CONSETT SPORTS PROJECT – UPDATE**

The Deputy Chief Executive advised that the report updated Members on the Consett Sports Project and the impact of the “Business as Usual” process adopted by Durham County Council.

As instructed, Durham County Council had been formally asked to support the Consett Sports Project under the Local Government Reorganisation “Business As Usual” protocols. It was expected that, as was normal practice Durham County Council’s Treasurer would determine the “Business As Usual” request but he had decided to refer this to Durham County Council’s Cabinet with a recommendation that the project be reviewed by a company called InsightMSC Ltd. An information Request was received from InsightMSC Ltd on 7<sup>th</sup> October 2008. The Chief Executive and Deputy Chief Executive met with representatives of InsightMSC Ltd on 10<sup>th</sup> October 2008. In addition to providing documents and other responses to the Information Request, Officers also sought clarification of the project brief to which InsightMSC Ltd was working. InsightMSC Ltd confirmed that they were undertaking work that would seek to confirm the status of the Consett Sports Project and the remaining stages to completion. This would include “testing” the processes employed, whether the broader socio-economic aspects of sport and recreation in the community had been considered, the options considered, the reasons for pursuing the preferred option, the funding structure of the project and the financial implications on the County Council. Thereafter Durham County Council would be asked to make a decision.

The County Treasurer had required that an initial report was provided to him by InsightMSC Ltd before the end of December 2008. InsightMSC are endeavouring to provide this by late October or early November. It was not yet clear whether the County Treasurer would require any further work to be undertaken by InsightMSC Ltd and/or the decision process/timescales involved thereafter.

The outcome of this process, and the ultimate decision by Durham County Council, remains to be seen however, it was clear that the reasonable planning assumptions that had previously been made regarding the timing of this decision were no longer valid.

A minimum of a three month delay in obtaining any County Council decision on the project appeared inevitable. As reported to Members at the meeting of the Council held 30<sup>th</sup> June, all project costings had been completed against the development timescale set out above and any delay would have an impact on costings at a rate of approximately £60,000 per month. This would mean that the project was likely to face a minimum of £180,000 in additional costs.

The Deputy Chief Executive advised that a raft of information had been supplied to InsightMSC Ltd providing costings and information - feedback had found nothing unfavourable in the process followed by Derwentside during the course of this project.

Councillor Stelling raised the issue of the costs for the work undertaken by InsightMSC Ltd. In response the Deputy Chief Executive advised that as he understood it the brief for InsightMSC Ltd was:

- Submit report to Durham County Council's Treasurer
- County Treasurer decided whether or not a second report is required.
- County Treasurer will report to Durham County Council
- Costs were unknown – this was a matter for the County Council.

Councillor Rothwell commented that she was delighted that InsightMSC Ltd had found nothing unfavourable in the process carried out by this Council.

Councillor Watson commented that despite the project being independently assessed and agreed by the Implementation Executive, Durham County Council had employed InsightMSC Ltd. He was delighted that Insight had found nothing unfavourable in the process and had pointed out the County Council that delay means additional costs. If the project was delayed for two months it was predicted that this would mean an additional £120,000 in project costs. He therefore moved the recommendation in the report. This was seconded by Councillor Malone.

Councillor Hicks advised that he found the report disturbing, this project had been planned for approximately five years he did not want any further delays and wanted the Council to get the project moving as soon as possible.

Councillor Temple commented that at £60,000 per month in terms of inflation, delays could cost approximately £180,000. Added to this was the cost of employing InsightMSC Ltd – so overall the additional costs of the county's investigation could be in the region of £250,000.

Councillor Taylor was pleased that Members were now supporting the project – the original concept had been a dream for a sports complex partnership with schools and even though the project had had to be scaled down she was pleased it was progressing. She reiterated her comments of the wonderful support for the project she had heard from all around the Council Chamber.

Councillor Llewellyn raised concerns regarding a lack of statement of intent on this project from the County Councillors who represented Derwentside. He hoped the County Councillors would formalise their plans in the near future.

#### **Following a vote the Council**

#### **RESOLVED:**

**That Durham County Council be reminded of the potential financial impacts of the delay in determining the Business as Usual request and asked that appropriate provision be made as part of their future budgetary considerations.**

#### **70. STRATEGY FOR CHILDREN AND YOUNG PEOPLE IN DERWENTSIDE**

The Principal Youth Engagement Officer presented the report which informed Members of work undertaken with young people across Derwentside to develop a Youth Strategy and to seek views on its potential adoption by the Council.



The Strategy had been presented by young people at the Special Environment & Health and Community Safety & Strong Communities Scrutiny Panel on 3<sup>rd</sup> July 2008. The comments of the Panel had been incorporated into the current version of the Strategy.

The Chairman introduced Philip Marshall of the Young People's Forum (YPF) who was in attendance to present the priorities and targets of the Strategy.

P. Marshall advised that the Young People's Forum had prioritised the following targets for 2008-2009.

1. Would like to see more extra curriculum activities available to them in and outside of school.
2. Better street lighting and CCTV around parks.
3. Want more projects to help young people stop smoking.
4. To be encouraged to become more involved in decision-making.
5. To be recognised for their involvement in community activities.
6. More clubs and opportunities for 5 to 13 year-olds.
7. Schools and organisations working with excluded or none attending pupils should make it a priority to include housing education into their curriculum.

Councillor Watson commented that he was impressed with the Strategy and that the SPICE project was a flagship project leading across the whole county. He added that the SPICE legacy will live on into the unitary council and he fully supported the recommendation in the report.

Councillor Taylor agreed with the above comments and she fully supported the work of the SPICE team and the Young People's Forum. She also advised that the SPICE team had received national and regional awards for work with young people and the work would continue under the unitary authority. In conclusion she thanked everyone who had supported SPICE and YPF help and she fully endorsed the Strategy.

Councillor C. Christer commented that he also supported the Strategy and hoped the YPF would get all the help and support from the new authority to take forward their work.

The Chairman thanked Philip for attending and presenting the priorities.

The Chairman put the MOTION to the vote.

Following the vote the MOTION was declared CARRIED.

**The Council**

**RESOLVED:**

**That the Strategy for Children and Young People in Derwentside (as attached to the report) be approved.**

**71. HONORARY ALDERMEN**

The Director of Corporate Administration and Policy presented the report which discussed proposals for Honorary Aldermen. As with previous re-organisations, Councils which were due to be abolished were permitted to appoint Honorary Aldermen from amongst their existing members. The Department for Communities and Local Government (DCLG) had informed Council's that they intend to follow this precedent once again. In addition, it was intended the newly created Aldermen of an outgoing authority would become Aldermen of the new authority.

Given this anticipated power, amended criteria for the appointment of Honorary Aldermen was circulated to all at the meeting. It was noted that should Members wish to appoint Honorary Aldermen a Special Meeting of the Council may have to be called prior to the demise of Derwentside District Council.

Any Member who had an interest in nominations for Honorary Aldermen was advised to contact the Director for Corporate Administration and Policy or the Monitoring Officer.

Councillor Watson **MOVED** the recommendation detailed on amended criteria which had been circulated to all around the Chamber. This was seconded by Councillor Malone.

The Chairman put the **MOTION** to the vote.

Following the vote the **MOTION** was declared **CARRIED**.

### **The Council**

**RESOLVED: That nominations for Honorary Aldermen are available to all current and former Derwentside District Council councillors who fulfil the following arrangements:-**

1. Served three full consecutive terms as a councillor (i.e. 12 years) or from May 1999; **AND**
2. Have held a senior position within the Council i.e. as Chairman; Leader (of the majority or main opposition); Deputy Leader (of the majority or main opposition); Chair of a committee/ scrutiny panel; portfolio holder **OR;**
3. Have served five full terms consecutively (i.e. 20 years) or from May 1991;
4. Are not currently elected to Durham County Council.

### **72. SOUTH MOOR PARK**

The Director of Environmental Services presented the report which advised Members of the potential funding arrangements for the redevelopment of South Moor Park. Members were reminded that at the Annual General Meeting of the Council held 13<sup>th</sup> May 2008, Members had considered a report on South Moor Park and the Council had agreed in principle to support the South Moor Park revitalisation project as indicated on the plans attached to the report.

Opportunities for external funding for the project had been explored and, as a consequence a number of grant opportunities had been identified which would require applications to be submitted. The potential funding sources and timescales were detailed in the report, briefly these were:

- Coalfield Regeneration Trust –Access to Opportunities.
- Big Lottery Fund – Changing Spaces.
- Local Heritage Fund – Your Heritage or Heritage
- The Play Pathfinder bid for County Durham.

Groundwork would support South Moor Partnership in submitting the funding applications. Details of possible external funding packages and timescales were also detailed in the report.

Councillor Docherty asked for clarification on the funding issues, when work could commence and “business as usual” approval from the County Council. In response the Director of Environmental Services advised that if the “business as usual” approval was given the Council could begin work without waiting for the remaining funding to be agreed.

Following a vote the Council

**RESOLVED:**

1. That the project is delivered directly by the Council with the South Moor Partnership supported by Groundwork seeking funding to secure full project financing.
2. That the preferred layout is publicly displayed on the park site.

**73. EXCLUSION OF PRESS AND PUBLIC**

**ON THE MOTION OF COUNCILLOR M. MALONE SECONDED BY COUNCILLOR T. CLARK 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 PARAGRAPHS 1, 3 AND 4 OF THE LOCAL GOVERNMENT ACT A1972 (AS AMENDED).**

**74. CONSETT BUSINESS PARK: FURTHER PHASE MANAGED WORKSPACE**

The Deputy Chief Executive presented the report which outlined proposals for the development of a further phase of managed work-space at Consett Business Park, Villa Real and sought agreement for the scheme to be progressed.

The Derwentside District Council Transition Plan 2008/09 submitted was submitted to Durham County Council in June 2008, this included a further phase of office development at Consett Business Park. The project had been identified on page 53 of the Plan as a Category One Project (unresourced) in the Capital Programme 2008/09.

The report advised that the reason for the recommendation was that Derwentside District Council had a strong track record in delivering quality business premises to meet private sector demand. The development of a further phase of Consett Business Park would bring significant benefits to the District in terms of new jobs and investment.

Following a vote the Council

**RESOLVED:**

1. The Council agrees to progress the scheme (as outlined in the report) as soon as resources are released; and
2. That a request is submitted to the County Council to include a minimum contribution of £1 million for the project in it's capital programme 2009/10.

**75. TREASURY MANAGEMENT – UPDATE**

The Head of Financial Services presented the report which updated Members on the Treasury Management position of the Council in light of recent events in the worldwide banking industry. The report also provided Members with relevant information on the authority's debt and investment portfolios together with a suggested review on procedures between now and the demise of the Council. Particular reference was given to the authority's position with the failed Icelandic Banks.

Discussion ensued on paragraph 3.7 – Future Investment Decisions and guidance for officers regarding investments to be made during the remaining life of the authority. Councillor Watson commented that overall the Council was still in a position of strength to progress with its major projects such as the Consett Sports project.

Following a vote the Council

**RESOLVED:**

1. That Members note the updated Treasury Management position.
2. That approval be granted for the investment approach as outlined in paragraph 3.7 of the report for the remaining life of the authority.

**CONCLUSION OF MEETING**

The meeting closed at 7.21 pm.

## **HONORARY ALDERMEN – UPDATE ON MINUTE NUMBER 71.**

Further to the report received by Council on the 21<sup>st</sup> October it has now been confirmed that there are 34 eligible persons all of who have accepted the invitation to receive the status of Honorary Aldermen.

Those persons are as listed below:-

1. Alex Watson
2. Michael Malone
3. David Gwyn Llewellyn
4. Joseph Toner
5. John Ian Agnew
6. Derek Hume
7. Jim Griffiths
8. Walter Armstrong
9. John Pallas
10. Jean Huntley
11. Alan Atkinson
12. Mary Armstrong
13. Eric Edwards
14. Eric Turner
15. Bill Stockdale
16. Anne Taylor
17. Dennis Lavin
18. Terry Richardson
19. Ronald Dodd
20. Colin Bell
21. Kevin Earley
22. John Pears
23. Tony Donaghy
24. Olga Milburn
25. Ken Walker
26. Henry Shaw Guildford
27. Michael Brough
28. Denise Bennett
29. Janet Temperley Greener
30. Brian Charlton
31. Lynn Boyd
32. Joanne Carr
33. Dorothea Khamis
34. Robert Telford Gardener

It is intended that a Special Meeting of the Council will be convened in March of this year to hold a ceremony for the presentation of the honour to those above named persons, further details of this will follow in due course.

<b>TITLE:</b>	<b>NEW PUBLICATION SCHEME UNDER FREEDOM OF INFORMATION ACT 2000</b>
<b>TO/ON:</b>	<b>FULL COUNCIL – 20<sup>th</sup> JANUARY 2009</b>
<b>BY:</b>	<b>LEGAL AND LICENSING SERVICES MANAGER</b>
<b>PORTFOLIO:</b>	
<b>STATUS:</b>	<b>REPORT</b>

1. **PURPOSE OF THE REPORT**

To recommend adoption of a new Publication Scheme with immediate effect in accordance with the requirements of the Information Commissioner.

2. **CONSULTATION**

Prior to circulating this report I have consulted direct with Heads of Service.

3. **BACKGROUND**

It is a requirement of the Freedom of Information Act 2000 that each Council makes available a Publication Scheme highlighting the class of the documents which it makes available to the public and whether or not charges are applicable. The scheme currently on the Council's website was devised when the legislation became effective at the beginning of 2004. It has been updated subsequently but it does not represent a full picture of the material available on the Council's website.

The Information Commissioner's directive of the new Publication Scheme be made available from 1st January, 2009. A model scheme has been devised by the Commissioner and Councils have been encouraged to follow this model. Annexed to this report is my recommended draft scheme which does adopt the model provisions.

I have reviewed the content of our website to test its current compliance with the specification of the model scheme. I am satisfied that the website generally meets the requirements. Consultations have identified areas which fall short of where we would ideally wish to be. If it were not for the Local Government Review I would be recommending immediate action to improve the areas where shortcomings have been identified but I take the view that the resources applied to this task need to be proportionate to the lifespan of the scheme which will only be three months. It would not be appropriate to divert resources from LGR to remedy weaknesses which are nevertheless still compliant for such a limited period.

When the initial scheme was drafted attention focused on the availability of the material in hard copy form. The Council's website is now the best source of material available. There remains an obligation to make a copy of the scheme available in hard copy form. My recommendation is that we use a printed copy of the website's site plan as the hard copy index.

#### 4. **IMPLICATIONS**

##### 4.1 **Financial**

The Council is entitled to charge for the production of copies. Access via the website results in no cost to the Council. There will be limited publishing costs in making available hard copies of the scheme.

##### 4.2 **Legal**

It is a statutory obligation of the Council to maintain a publication scheme when it is necessary to follow the directives of the Information Commission on the nature of the scheme provided.

##### 4.3 **Policy**

None.

##### 4.4 **Risk**

Failure to implement a compliance scheme would render the Council at risk of being subject to legal action by the Information Commission.

##### 4.5. **Communications**

The availability of the Publication Scheme will be highlighted on the website one the new model is available.

##### 4.6. **Corporate**

None.

##### 4.7 **LGR**

None.

##### 4.8 **Recommendations**

The Council is recommended to adopt the Model Publication Scheme annexed to this report.

**Ashley Rocks-Menon**  
**LEGAL AND LICENSING SERVICES MANAGER**

**For Further Information Contact:**

Ashley Rocks-Menon  
01207 218390  
a.rocks-menon@derwentside.gov.uk

**Background documents referred to**  
Information Commissioner's guidance on Model Publication Schemes



## **DRAFT NOTE**

### **PUBLICATION SCHEME**

#### **Background - The Freedom of Information Act 2000**

The Freedom of Information Act 2000 ("The Act") gives a general right of access to all types of information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities.

Any person can make a request to a public authority for information. In accordance with the legislation the individual must then be informed whether that information is covered by an exemption. Information held by the public authority and not covered by an exemption must be supplied subject to certain conditions being satisfied.

The Council is required to adopt and maintain a publication scheme setting out how it intends to publish the different classes of information it holds and whether there is a charge for the information.

#### **The Publication Scheme**

The publication scheme is a guide describing the information, which Derwentside District Council intends to make available to the public. The publication scheme will outline the following:-

- (a) the classes of information which the Council plans to publish and make available;
- (b) where that information can be accessed;
- (c) how much the Council may charge for obtaining a copy of that information.

#### **Personal Information**

The Data Protection Act 1998 still covers personal information. If you would like a copy of any personal information held by the Council in a structured file you will need to make that request in writing to Mike Clark, Data Protection Officer, Derwentside District Council, Civic Centre Consett Co. Durham. DH8 5JA. There is currently a £10 fee for subject access requests under the Data Protection Act.

#### **Using the Scheme**

The Council's website provides access to information falling into the following categories. The home page of the website contains an A-Z index of the information available. It also contains a site map to enable visitors to identify the material available. A hard copy of the site map is available from the Council Offices to show you what documents can be supplied if you prefer to read them in a paper format.

#### **Commitments of the Authority**

In order to meet its obligations under the Freedom of Information Act 2000, the Council commits itself to take the following steps:-

- (a) to proactively publish or otherwise make available as a matter of routine information including environmental information which is held by the authority and falls within the classifications below;
- (b) to specify the information which is held by the authority and falls within the classifications below;

- (c) to proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within the scheme;
- (d) to produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public;
- (e) to review and update on a regular basis the information the authority makes available under this scheme;
- (f) to produce a schedule of any fees charged for access to information which is made proactively available;
- (g) to make this publication scheme available to the public.

### **Classes of Information**

The site map will give you access to the following classes of information:-

- (a) **Who we are and what we do**  
Organisational information, locations and contacts, constitutional and legal governance.
- (b) **What we spend and how we spend it**  
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- (c) **What our priorities are and how we are doing**  
Strategy and performance information plans, assessments, inspections and reviews.
- (d) **How we make decisions**  
Policy proposals and decisions, decision-making processes, internal criteria and procedures, consultation.
- (e) **Our Policies and Procedures**  
Current written protocols for delivering our functions and responsibilities.
- (f) **Lists and Registers**  
Information held in registers required by law and other lists and registers relating to the functions of the Council.
- (g) **The services we offer**  
Advice and guidance, booklets and leaflets, translations and media releases. A description of the services offered.

The classes of information will not generally include:

Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act or is otherwise properly considered to be protected from disclosure.

Information in draft form.

Information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

In exceptional circumstances some information may be available only by viewing in person. If this is necessary contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the Council is legally required to translate any information it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

### **Charges which may be made for information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum. Material which is published and accessed on the website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:-

Photocopying

Postage and packing

The costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all circumstances, including the general principles of the right of access to information held by the public authorities, justified and are in accordance with the published schedule or schedule of fees which is readily available to the public.

If a charge is to be made confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

### **Written Requests**

Information held by the authority that is not published under this scheme can be requested in writing when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

<b>TITLE:</b>	<b>AMENDMENT TO THE COUNCIL'S CONSTITUTION</b>
<b>TO/ON:</b>	<b>FULL COUNCIL – 20 JANUARY 2009</b>
<b>BY:</b>	<b>LEGAL AND LICENSING SERVICES MANAGER</b>
<b>PORTFOLIO:</b>	<b>LEARNING</b>
<b>STATUS:</b>	<b>REPORT</b>

## **1. PURPOSE OF THE REPORT**

- 1.1 To seek authorisation for the Divisional Head of General Services to exercise the powers delegated to the Director of Environmental Services in his absence due to ill health until his return to work.

## **2. BACKGROUND**

- 2.1 The Director of Environmental Services is currently on sick leave due to ill health for the foreseeable future. In order to continue the smooth running of Council business in his absence, in particular in relation to functions which may be carried out by the Director of Environmental Services under his delegated powers, it is necessary to authorise a Senior Officer to be able to exercise those delegated powers. John Shepherd, Divisional Head of General Services is currently acting Director of Environmental Services and is therefore considered the appropriate officer to be authorised.

## **3. RECOMMENDATION**

- 3.1 Council is recommended to authorise the Divisional Head of General Services, John Shepherd to exercise the delegated powers of the Director of Environmental Services with immediate effect until his return to work.

**Ashley Rocks-Menon**  
**LEGAL AND LICENSING SERVICES MANAGER**

### **For Further Information Contact:**

Ashley Rocks-Menon  
01207 218390  
a.rocks-menon@derwentside.gov.uk



<b>TITLE:</b>	<b>TRANSFER OF LAND TO DERWENTSIDE HOMES</b>
<b>TO/ON:</b>	<b>COUNCIL – 20<sup>th</sup> JANUARY 2009</b>
<b>PORTFOLIO:</b>	<b>LEARNING</b>
<b>BY:</b>	<b>DEPUTY CHIEF EXECUTIVE</b>
<b>STATUS:</b>	<b>REPORT</b>

### **STRATEGIC FACTOR CHECKLIST**

The Council's Corporate Management Team has confirmed that the Strategic Factor Checklist has been applied to the development of this report, and there are no key issues, over and above those set out in the body of the report, that need to be brought to Members' attention.

#### **1.0 PURPOSE OF REPORT**

- (1.1) The purpose of the report is to seek Members approval to the disposal of two areas of Public Open Space at Bone Lane, Dipton and Cumberland Road, Moorside in light of representations received as a result of the statutory consultation process.

#### **2.0 BACKGROUND**

- (2.1) At a meeting of this Committee held on 21<sup>st</sup> October 2008 it was agreed to dispose of 8 sites to Derwentside Homes subject to approval through the Local Government Reorganisation process with the aforementioned sites shown verged on the plans attached as Appendix A and B. The views of the County Council to the disposals have yet to be determined.
- (2.2) The area of the Bone Lane site shown hatched on the plan and the whole of the Cumberland Road site comes within the definition of Public Open Space within Section 336 of the Town and Country Planning Act 1990. The Council is therefore obliged by virtue of Section 123 of the Local Government Act 1972 to carry out a statutory consultation process prior to making a determination whether or not to dispose of the land.

**(2.3)** The relevant notices were therefore placed in the local press and the following objections have been received:-

**Bone Lane, Dipton:**

Two petitions with 286 signatures

331 letters of objection

**Cumberland Road, Moorside**

77 letters of objection including letters from Moorside Community Association, Moorside Residents Association and Consett YMCA.

**(2.4)** The Council is therefore obliged to consider these objections in determining whether to proceed with disposals of these areas of land.

**3.0 MATERIAL CONSIDERATIONS/OPTIONS**

**(3.1)** The majority of objections to the Bone Lane disposal concern the loss of a well used recreational area used by local children and residents. There are however a number of other reasons cited and these include:-

- Traffic and Road safety issues
- Effect on local infrastructure and services
- Crime and anti-social behaviour issues from occupiers of affordable/social housing
- Local need for affordable housing
- Impact on homes overlooking site and detrimental effect on their value
- Nuisance caused during development of site
- Detrimental effect on indigenous wildlife
- Lack of Capital receipt

**(3.2)** Similarly the majority of objectors to the Cumberland Road disposal are objecting to the loss of a well used recreational area by local children and residents who will problems in finding somewhere to play if the site is developed for housing.

**(3.3)** The options available to Members are, therefore, to:-

i Agree to continue with the disposals of areas of public open space:

Advantages	Disadvantages
<ul style="list-style-type: none"><li>• Facilitates the provision of affordable housing in the District</li><li>• Eliminates maintenance and estate management responsibilities</li><li>• Reduces the Councils maintenance responsibility</li></ul>	<ul style="list-style-type: none"><li>• Loss of areas of public open space</li><li>• Council ignoring the wishes of a significant number of local residents</li></ul>

ii Agree not to dispose of the areas of public open space:

Advantages	Disadvantages
<ul style="list-style-type: none"><li>• Retention of two areas of open space</li><li>• As part of the site at Bone Lane is not classified as public open space the disposal of a reduced area may still enable there to be a development of affordable/social housing</li></ul>	<ul style="list-style-type: none"><li>• Ongoing maintenance and estate management</li><li>• Hinders the Council in meeting the identified shortfall in affordable housing within the District</li></ul>

#### **4.0 CONCLUSION**

**(4.1)** Officers consider that there are still benefits in continuing to pursue both disposals but members will note that there is a significant level of opposition to both disposals.

**(4.2)** Members are advised that a decision to proceed with a disposal of the land can be challenged in the High Court if the person challenging has appropriate standing and grounds for Judicial Review. Any such challenge must be made promptly and in any event within 3 months after the grounds to make the claim first arose.



## **5.0     RECOMMENDATIONS AND REASONS**

- (5.1)**     Member's views are sought on whether the proposed disposals should still proceed in light of the objections set out in the report. If members decide to proceed with disposals the County Council will be notified as part of the Business as Usual request.

**For further information on details of the report please contact Gerard Darby  
Divisional Head of Land and Property ext: 8035**

### **Background Documents**

- 1. Local Government Act 1972**
- 2. Town and Country Planning Act 1990**
- 3. Minutes of Council Meeting held on 21<sup>st</sup> October 2008**
- 4. Letters of Objection and Petitions**