

## **THE MINUTES OF THE MEETING**

### **OF THE EXECUTIVE**

**HELD ON TUESDAY, 30TH AUGUST, 2005**

**Present:** Councillor A Napier (Chair)  
Councillors R Crute, Mrs J Freak,  
J Goodwin, D Myers, G Patterson,  
F Shaw and R J Todd

1. **THE MINUTES OF THE LAST MEETING** held on 5th July, 2005, a copy of which had been circulated to each Member, were confirmed.

2. **HOUSING ACT 1985, SECTION 438 AND SCHEDULE 16, LOCAL GOVERNMENT AND HOUSING ACT 1989, SCHEDULE 11 – LOCAL AVERAGE RATE OF INTEREST**

Consideration was given to the report of the Director of Finance and Corporate Services which sought approval for the local average rate of interest to be applied to local authority mortgages, a copy of which had been circulated to each Member.

The purpose of the report was to re-determine the local rate of interest to be applied to advances and transfers and sums left outstanding on disposal of Council owned dwellings.

The Council's local average rate was set at 7.63% from 1st April, 2005.

**RESOLVED** that the local average rate of interest be set at 7.61% from 1st October, 2005 for a further six months.

**PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS, COUNCILLOR A NAPIER DECLARED A PERSONAL BUT NOT PREJUDICIAL INTEREST AND REMAINED IN THE MEETING**

3. **DISCRETIONARY RATE RELIEF – NATIONAL NON-DOMESTIC RATES**

Consideration was given to the report of the Director of Finance and Corporate Services which gave details of new applications for discretionary rate relief, which were considered by the Rate Relief Panel, held on 25<sup>th</sup> July, 2005, a copy of which had been circulated to each Member.

Details of the applications, type and amount of relief were outlined in Appendix 1 to the report.

**RESOLVED** that the applications outlined in the report, be approved.

4. **GENERAL FUND/HOUSING REVENUE – 2005/2006 MONITORING STATEMENT**

Consideration was given to the report of the Director of Finance and Corporate Services which gave details of the financial position for the period 1st April to 30th June, 2005, a copy of which had been circulated to each Member.

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The Director of Finance and Corporate Services outlined in detail the revised forecast position on the General Fund which included reasons for variations and summarised the position on the Housing Revenue Account.

**RESOLVED** that the information contained within the report, be noted.

### **5. LOANS DIARY – TRANSACTIONS FOR THE QUARTER ENDED 30TH JUNE, 2005**

Consideration was given to the report of the Director of Finance and Corporate Services which advised of loan transactions for the quarter ended 30th June, 2005, a copy of which had been circulated to each Member.

The report provided details of short-term lending/borrowing, treasury accounts and long-term borrowing.

**RESOLVED** that the information contained within the report, be noted.

### **6. DEPARTMENT OF HEALTH CONSULTATION ON SMOKING LEGISLATION**

Consideration was given to the report of the Executive Member for Health which gave details of a Department of Health consultation on the smoke free elements of the Health Improvement and Protection Bill and sought approval for a response, a copy of which had been circulated to each Member.

The Department of Health were consulting on the smoke free elements of the Health Improvement and Protection Bill, which aimed at combating the effects of second hand smoke (SHS). The Bill had “flagship status” and was likely to progress quickly to produce legislation on smoke free public places and workplaces.

The consultation invited response to a series of issues surrounding the Government’s favoured option “Option 4” which was to make all indoor public places and workplaces completely smoke free with exemptions, details of which were outlined in the report, together with details of a further three options considered by the Government before arriving at its preferred choice.

It was explained that there were high levels of smoking within the district, which led to corresponding higher levels of SHS pollution. Whilst the smoke free legislation was important nationally, it took on an even greater significance in the district.

The Government had identified Option 4 as preferred on the basis that it closely reflected public opinion. The consultation report highlighted surveys undertaken in 2003 which indicated that whilst there was strong support for bans in most public places and workplaces, there was a feeling that pubs stood apart. It was expected that within high smoking areas such as Easington support for a full ban would be even less. However, evidence from local surveys did not bear this out.

The Government acknowledged that a ban with exemptions would be less effective in reducing smoking and protecting from SHS and was a more costly and complex approach.

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Local evidence from the district supported the view that exemptions would make health inequalities worse, not better. Therefore the recommendation would be to request Option 2, a total ban. This was based on two key principles, firstly that no-one should be required to work where other people were allowed to smoke and secondly the only enclosed place where a person had a right to smoke was in their private abode and when they were not receiving services or treatments. The Association of North East Councils were also in support of Option 2.

It was pointed out that the introduction of legislation would significantly increase the workload within the Environmental Health and Licensing Unit and additional resources would be required depending on which option was chosen. The Government proposed to make additional resources available, however, insufficient information was available at present to fully assess the financial implications.

The introduction of new legislation would require the Council's Corporate Enforcement Policy "keeping within the law", the No Smoking Policy and the Council's Licensing Policy and Corporate Enforcement Policy to be reviewed and updated.

Councillor R Crute felt that the Authority's position on this key issue should be publicised and suggested that once endorsed by Council an article be placed in Infopoint advising of the Council's firm stand in relation to the dangers of SHS.

**RESOLVED** that:-

- (i) the consultation from the Department of Health on the smoke free elements of the Health Improvement and Protection Bill be noted;
- (ii) the draft response to the Department of Health outlined in the report be approved and submitted to Full Council for adoption.

### 7. **COUNCIL'S RESPONSE TO DRAFT STATEMENTS OF COMMUNITY INVOLVEMENT FROM SUNDERLAND CITY COUNCIL, DURHAM COUNTY COUNCIL AND HARTLEPOOL BOROUGH COUNCIL**

Consideration was given to the report of the Executive Member for Environment and Transport which sought approval to reply to Draft Statements of Community Involvement (SCI's) from Sunderland City Council, Durham County Council and Hartlepool Borough Council, a copy of which had been circulated to each Member.

Details of the Council's proposed response to the draft SCI's from the relevant authorities were outlined in the report.

**RESOLVED** that the Council's response to the draft SCI's be approved.

### 8. **QUARTERLY PERFORMANCE REPORT AGAINST BEST VALUE PERFORMANCE INDICATORS (BVPI's)**

Consideration was given to the report of the Executive Member for Organisational Development which gave details of the Council's performance against BVPI's for the first quarter of 2005/2006, a copy of which had been circulated to each Member.

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Members were advised that in June 2005, the Council considered the year end position in terms of the Council's overall performance. It concluded that although the Council had delivered a significant proportion of the work planned for 2004/2005, in terms of BVPI's:-

- the service performance had not improved at a sufficient pace
- the overall picture was one of consolidation rather than further improvement
- performance had improved in some key areas but some areas had slipped back and others continued to decline
- where the Authority had focused particular attention there had been improvement

It was agreed that service performance needed to remain a priority for the Council both overall, and with particular emphasis on the 11 areas identified as needing special focus. The report provided the latest information in relation to overall performance in terms of the BVPI's and gave details of the current position in relation to the 11 areas earmarked for specific attention.

**RESOLVED** that:-

- (i) the quarterly performance of the Council as represented through the BVPI's be noted;
- (ii) the progress made in relation to the 11 areas identified be noted;
- (iii) the Executive receive quarterly performance reports in relation to the BVPI's.

### **9. ADDITIONAL URGENT ITEM OF BUSINESS**

In accordance with the Local Government Act 1972 as amended by the Local Government Access to Information Act 1985, Section 100B(4)(b) the Chair agreed that consideration be given to the following item of business, not shown on the Agenda, as a matter of urgency following consultation with the Proper Officer.

### **10. REGIONAL ECONOMIC STRATEGY CONSULTATION (AOB)**

Consideration was given to the report of the Executive Member for Regeneration which advised of the current consultation process on the revised Regional Economic Strategy (RES) and sought agreement to a formal response from the District Council, a copy of which had been circulated to each Member.

Members were advised that One North East was required by the Government to produce a RES every three years, and had a statutory duty to consult stakeholders within the region. The purpose of the consultation was to provide stakeholders with an opportunity to help shape the future direction of the region's economic development.

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The RES intended to set out how One North East and other partners in the region would deliver greater and sustainable prosperity to the North East over the period to 2016. It was explained that the North East Assembly, Government Office North East and One North East, in addition to stakeholders involved in Shaping Horizons in the North East (SHINE) process, agreed a “shared vision” for the North East region, details of which were outlined in the report.

The vision was reflected in a number of regional strategies including the draft Regional Spatial Strategy and the Regional Housing Strategy. The role of the RES was to provide a strategy for the sustainable, inclusive economic growth necessary to underpin the fulfilment of the vision.

One North East had received feedback from stakeholders within the region that, in order to achieve the scale of change required within the North East, the region’s actions needed to be increasingly prioritised and focused for which a number of principles had been developed to underpin the review of the RES, details of which were outlined.

In view of the timescales involved, a draft response on behalf of the Council was prepared and submitted to One North East, subject to any amendments made by the Executive.

Following a lengthy discussion on the issues it was suggested that the Council’s response should be forwarded to the North East Assembly, J. Cummings M.P. and The Rt. Hon. T. Blair.

**RESOLVED** that:-

- (i) the draft response outlined in the report be confirmed with One North East as the Council’s formal response to the Regional Economic Strategy consultation paper.
- (ii) a copy of the response be forwarded to the North East Assembly, J. Cummings M.P. and The Rt. Hon. T. Blair.

### **11. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with Section 100A (4) of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 the press and public be excluded from the meeting for the following items of business on the grounds that they involved the disclosure of exempt information, as defined in Paragraphs 7, 8 and 9 Part 1 of Schedule 12A of the Act.

### **12. NEGOTIATIONS ON THE CHESHIRE RECYCLING CONTRACT**

Consideration was given to the report of the Monitoring Officer which gave an update on negotiations with Cheshire Recycling, a copy of which had been circulated to each Member.

Members were advised that the Monitoring Officer, in consultation with the Director of Finance and Corporate Services, had previously been granted delegated authority to conclude negotiations regarding the termination of the contract with Cheshire Recycling Limited.

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The Monitoring Officer advised that negotiations had now been successfully completed.

**RESOLVED** that the action taken in accordance with the authority previously granted, be noted.

### **13. PROPOSED APPOINTMENT OF CONSULTANTS AND SUBMISSION OF PLANNING APPLICATION FOR THE HAWTHORN PRESTIGE INDUSTRIAL ESTATE**

Consideration was given to the report of the Executive Member for Regeneration which sought approval to waive Contract Standing Order No. 1 in respect of the application of Contract Standing Order No. 4 (A) (ii) to appoint ENTEC UK LTD to undertake an Environmental Appraisal and Transport Assessment for the proposed Hawthorn Prestige Industrial Estate and to prepare a planning application for the development, a copy of which had been circulated to each Member.

**RESOLVED** that:-

- (i) approval be granted to waive Contract Standing Order No. 1 in respect of the application of Contract Standing Order No. 4(A) (ii) and appoint ENTEC UK LTD to prepare the necessary planning application and supporting statements;
- (ii) delegated authority be granted to the Director of Regeneration and Development to negotiate a fee with ENTEC UK LTD for the necessary work;
- (iii) approval be granted to meet the necessary expenditure from either savings from existing budgets or the regeneration reserve to a maximum figure of £33,500.

### **14. PETERLEE REGENERATION FRAMEWORK**

Consideration was given to the report of the Executive Member for Regeneration which provided an update on the establishment of a regeneration framework for Peterlee and sought authority to further progress the initiative, a copy of which had been circulated to each Member.

Members were advised that following a meeting held on 24 August 2005 to discuss the second stage and the associated financial implications, the partners had been unable to agree on their respective contributions.

**RESOLVED** that:-

- (i) the proposals contained within the report to facilitate further development work necessary to work up a Town Centre Masterplan and identification of potential residential sites in both Peterlee and other local settlements, be approved in principle;
- (ii) the progression of other interventions contained within the report through the established framework of Member/Officer Panels working with respective partners, at the appropriate juncture, be approved;

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- (iii) any further issues, which directly affected the Council and required a formal decision be reported to Executive for approval;
- (iv) a further report setting out the timescale involved for taking forward the intervention proposals be awaited;
- (v) delegated authority be granted to the Executive Member for Regeneration and the Director for Regeneration and Development to agree the Council's contribution level to commission the second phase activity, namely Town Centre and Residential Masterplans.

**15. APPOINTMENT OF A CONSULTANT – NORTH DOCK**

Consideration was given to the report of the Executive Member for Regeneration which sought approval to appoint a consultant to assess the implications of the phase two works on the heritage/archaeological value of the North Dock site, a copy of which had been circulated to each Member.

**RESOLVED** that:

- (i) approval be granted to appoint a heritage expert to assess the implications of the phase two developments on the heritage value of the site;
- (ii) the appointment be funded from the Flexible Regeneration Pot at a cost of £2,500.

**16. RENEWAL OF CONTRACT FOR VOID PROPERTY ALARMS**

Consideration was given to the report of the Executive Member for Environment and Transport, a copy of which had been circulated to each Member.

The purpose of the report was to advise of action taken under Contract Standing Order 4 (A) where the need to maintain continuity of service had created an emergency situation which required the Council to enter into a new contract for void property alarms without prior approval by the Executive. The report also sought approval to a one off buy out of blacksmiths operatives as part of a package which would result in considerable efficiencies for both East Durham Homes and the Council.

**RESOLVED** that:-

- (i) the procurement action detailed within the report, be noted;
- (ii) approval be granted for the "buy out" of blacksmiths operatives as part of the new proposals;
- (iii) the Director of Community Services be authorised to extend the contract for a further 24 months, if satisfied on value for money and subject to budgetary provision through the Service Level Agreement with East Durham Homes.

CERTIFIED TRUE RECORD

CHAIR .....

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Date .....

JW/KA/COM/EXEC/050803  
31st August, 2005