

THE MINUTES OF THE MEETING OF THE EXECUTIVE

HELD ON TUESDAY 22 JULY 2008

Present: Councillor A. Napier (Chair)
Councillors Mrs J Freak, Mrs E Huntington,
D Myers, Mrs A Naylor, G Patterson and R J Todd

Apologies: Councillor R Crute, F Shaw and P G Ward

1. **THE MINUTES OF THE LAST MEETING** held on 1 July 2008 together with those of the **SPECIAL MEETINGS** held on 25 June and 8 July 2008, copies of which had been circulated to each Member, were confirmed.
2. **EARLY INTEGRATION OF THE LOCAL DEVELOPMENT FRAMEWORK FUNCTION**

Consideration was given to the report of the Executive Member for Regeneration which sought approval for the early integration of all District and County Council work on the production of Local Development Frameworks (LDF), prior to the creation of the new unitary authority, a copy of which had been circulated to each Member.

Members were advised that all District and County Councils currently had a Local Development Scheme (LDS) which identified the scope and programme for the production of LDFs. The current programme of district based LDF production would not allow sufficient time for any LDF document to reach formal submission stage by vesting day. There was, therefore, little value in continued individual activity, but value in early collaborative work to make an early start on the production of a new County LDF. This would also allow the early development of a 'county-wide' perspective for involvement in the production of an Integrated Regional Strategy and assist with the housing review of the Regional Spatial Strategy.

The LGR Place Programme Board and the Joint Implementation Team (JIT) had previously endorsed the early integration of the LDF function. The County Durham Association of Local Authorities had also agreed to pursue early integration.

The Department of Communities and Local Government (CLG) had published draft regulations for consultation, which proposed an immediate transfer of responsibility for LDF preparation from the Districts to the County. This would require the transitional authority to submit a revised LDS by 30 September, which would replace all existing LDSs.

A report on early integration was being considered by all Councils across the County to enable work to commence on the new unitary LDF prior to Vesting Day.

All eight Local Planning Authorities in County Durham had embarked on LDF production in accordance with CLG guidance. Each had presented the content and timetable for production in their respective Local Development Schemes (LDS) and agreed such schemes with GONE. None of the key components of LDF production, by either District or County, had reached the 'formal' stage of plan production. The majority of Core Strategy production was expected to

Executive – 22 July 2008

reach Preferred Options stage during 2008. The latest date for a Core Strategy to reach Preferred Option stage was anticipated to be April 2010.

Progress on plan making was also a requirement for the allocation of the Housing and Planning Delivery Grant in 2008/09. Guidance was awaited to determine the impact of production of a single LDS and single Annual Monitoring Report. In addition individual authorities would need to advise on what would happen to currently unallocated Planning Delivery Grant funds.

A significant amount of joint working on data/evidence collection had already been undertaken which would support a collective approach. In addition economic appraisal work undertaken to support County and Regional strategies provided further collective support to planning evidence base.

CLG published draft regulations for consultation in June and a response from the JIT had been submitted. The final regulations were likely to be published shortly and were expected to take effect immediately.

The draft regulations proposed that in areas affected by LGR the Implementation Executive or Shadow Council leading the transition became the local planning authority except in relation to development control i.e. decisions related to planning applications which would continue to be undertaken by existing districts.

The County Council would be required to submit a LDS to the Secretary of State six months before vesting day. It was open to a transitional council to include in the LDS a Development Plan Document which was prepared by a predecessor council. Any Local Development Documents must be prepared in accordance with the Statement of Community Involvement of predecessor councils until a new unitary-wide Statement of Community Involvement was adopted.

The benefits of early integration for the new unitary authority were outlined in the report.

Facilitation of early integration required further consideration of the resource, management/supervisory and operational implications, and the need to continue 'other' forward planning activity. It was also important to facilitate this process without conveying advantage or disadvantage on existing staff by establishing structures/operational arrangements that could also prejudice future staffing arrangements. It was essential that arrangements were seen as temporary pending decisions to be taken by the new council. There were 6 full time posts in the Development Plans Team, one of which was currently vacant.

The first task of the new interim team structure would be to produce a new LDS by 30 September. Other duties of the Interim Team were outlined but would be dependent on the priorities identified by the new authority.

Details of the functions that would continue to be undertaken by District Councils until vesting day were outlined to Members.

In exploring the opportunity to integrate forward planning activities it was essential to maintain the critical functional and operational links with Development and Building Control to ensure no fall in service delivery and performance. Details of the issues related to the immediate transfer of functions were outlined.

Executive – 22 July 2008

District based LDF work would cease once the Preferred Options consultation responses had been reported, although work on the supporting studies would continue and would gradually be integrated into a countywide evidence base.

The early integration of LDF activity would ensure best use of resources and enable work on a single LDF to progress quickly. It would avoid abortive work on plan production that could not legally be brought to fruition and align with the recently published draft regulations for Town and Country Planning. However, the recent publication of the District's Core Strategy and Development Management Document – Preferred Options report, clearly set out Easington's development strategy for the future, to be incorporated in the new LDF for the county. The proposed integration process clearly recognised the importance of continuing District proprieties which would enable continuing support for the delivery of the Transitional Plan and 'business as usual'.

RESOLVED that:

- (i) approval be granted for the formal cessation of work on the Easington LDF
- (ii) the early integration of the LDF function and the creation of an interim team and the interim appointment of a Strategic Planning Manager be approved
- (iii) Development Control decisions remain the responsibility of the District Council.

3. PETERLEE AND HORDEN INDUSTRIAL AREAS MASTERPLAN

Consideration was given to the report of the Executive Member for Regeneration which sought approval to engage consultants to produce a Masterplan for the Peterlee and Horden industrial areas of North West, South West and Horden Seaview, a copy of which had been circulated to each Member.

Members were advised that East Durham suffered a high level of vacant industrial and commercial premises, particularly in the larger floor space bands. The large amount of redundant industrial premises was caused by the gradual decline of industrial sectors, heavy engineering and the demise of the coal industry. Adding to this issue, a number of industrial property owners held on to their properties as an asset on their balance sheets, rather than trying to actively sell or modernise them.

Within the district there was also limited stock of appropriate development land which was adversely affecting the area's competitiveness and ability to proactively meet business needs. The high levels of vacant industrial floor space and the low level of appropriate development land meant that this 'mismatch' needed to be examined and a strategy developed to tackle the issue.

The large amount of vacant industrial premises within the district did however present an opportunity for investment. Through targeting key vacant premises and identifying their re-use potential, the Masterplan would provide the stimulus for investment in these properties to meet business need and ultimately assist business and job growth. The potential for demolition of unusable industrial premises would therefore provide these necessary smaller industrial plots in key locations in the district. New business rate regulations would also reduce tax benefits for owners with empty properties. Industrial property owners would now incur additional costs as they would have to pay full business rates for empty

Executive – 22 July 2008

properties after the first 6 months until they became occupied. This would encourage owners to sell, actively market or re-use their vacant properties.

The North West (NWIE), South West (SWIE) and Horden Seaview (HSIE) Industrial Estates would be the focus of the Masterplan. The North East Industrial Estate was also a key area within Peterlee in need of investment which currently had interest from a housing developer. However if this interest did not materialise it would be included within the Masterplan's remit.

The objective of the Masterplan was to provide a 'blueprint' for the regeneration of the three key industrial estates. By identifying key vacant sites and premises and proposing measures required to bring them back into use the Masterplan would be used as a tool to secure funding to implement the recommendations identified. The Masterplan would offer a comprehensive and long-term approach to tackling land and property use within East Durham. It was proposed that consultants would be contracted to carry out this specialist piece of work.

Details of the consultants brief were outlined in Appendix 1 to the report.

The development of the Masterplan would be monitored by a project management group to ensure timescales and budgets were adhered to and that proposals were appropriate to East Durham.

RESOLVED that approval be granted to engage consultants to produce a Masterplan for the Peterlee and Horden industrial areas of North West, South West and Horden Seaview.

4. **FUNDING – EASINGTON AND DISTRICT CITIZENS ADVICE BUREAU**

Consideration was given to the report of the Executive Member for Social Inclusion and Culture which sought confirmation of the Council's level of core funding for the Easington and District Citizens Advice Bureau (CAB) for the 2008/09 financial year, a copy of which had been circulated to each Member.

Members were advised that the authority had previously given a commitment to fund CAB for periods of four years (i.e. for the term of each Council) with the existing commitment expiring in March 2008. This commitment had historically been based on the previous years' allocation plus an inflationary increase. However the funding profile agreed for the last four years was subject to an annual review.

The core grant was increased by 5% in 2004/05 and by 4% per year thereafter. In light of LGR it was suggested that a single year commitment be made at this time.

The Council's current level of funding was £113,208. The cost for providing the standard CAB service for 2008/09 was estimated at £250,000. The service, both core and outreach, currently provided by the bureau was considered to be the minimum for the District and a budget provision of £117,736 had been made for 2008/09.

Discussions had taken place with CAB regarding the provision of additional services related to Homelessness monitoring/advice and Choice Based Lettings. CAB did not currently report on homelessness prevention outcomes and the service was provided now through existing funding. This could involve advice, which if not delivered, could result in the client losing their home. If it was shown that CAB prevented homelessness then this would provide evidence

Executive – 22 July 2008

of the need for additional resources that would be available to the homelessness and housing advice service for referrals. CAB had advised that an additional budget of £46,750 would be required to support two additional staff although it was felt that one may suffice. Additional work was required on this area and further reports would be brought forward if required. If additional support was needed the temporary virement of housing related budgets or the use of external funding would be investigated to support such activity.

During 2006/07 the bureau handled 11,186 client contacts and managed 22,480 issues on their behalf, a 4% increase on the number of clients handled. As a result of generalist and tribunal work the bureau had generated £1,023,441.92 in additional benefit income for their clients and had managed a further £2,815,289.48 in client debt related issues, an increase of £351,389.87 (14.26%) on 2005/06 figures.

The amount of debt in the area was increasing and CAB were managing an increased amount of money advice and debt management work. The Department of Trade and Industry (DTI) had recognised this as a major problem in Easington and last year the bureau secured funding from the DTI to employ two additional debt workers for two years.

Approval was sought to commit existing resources to fund CAB in 2008/09. Its preparation reflected the move to the new unitary and did not commit resources beyond March 2009. CAB's throughout County Durham had set up an umbrella body to discuss future funding arrangements with the new authority.

A budget provision of £117,736 had been made for the 2008/09 financial year to support the core services.

RESOLVED that;

- (i) approval be granted for a contribution of £117,736 to the Easington and District Citizens Advice Bureau for 2008/09 to support their core services,
- (ii) further detail on the provision of additional services related to Homelessness and Choice Based Lettings be awaited.

5. EAST DURHAM COMMUNITY DEVELOPMENT TRUST

Consideration was given to the report of the Executive Member for Social Inclusion and Culture which sought to confirm the Council's level of funding for the East Durham Community Development Trust (EDCDT) for 2008/09 and agree, in principal, to the content of a Service Level Agreement (SLA) with EDCDT, a copy of which had been circulated to each member.

Members were advised that in 2006 Easington Council for Voluntary Services (ECVS) and East Durham Community Empowerment Network (EDCEN) merged to form EDCDT.

The aim of EDCDT was to promote any charitable purposes for the benefit of urban or rural regeneration in areas of social and economic deprivation in East Durham and the surrounding area.

The Council had previously given four-year commitments to fund ECVS to allow the organisation to plan ahead. In May 2004 the Council agreed to a four-year commitment until March 2008. In February 2007 approval was granted for the 2006/07 grant previously approved for ECVS to be transferred to EDCDT.

Executive – 22 July 2008

Appendix 1 to the report outlined a SLA which had been agreed with EDCDT and covered the period April 2008 to March 2011. The SLA was a basis to secure funding for 2008/09, as provided in current budgets and to assess performance to 31 March 2009. It was accepted by all parties that the SLA would need to be approved by the County Council given the overall timescales.

The SLA referred to the establishment of a Community Loan Fund (CLF) for the VCS in East Durham. The CLF would offer interest free bankrolling loans to VCS organisations that had already secured funding or income streams. It was being established with £140,000 NRF and would be available from the end of July. In addition to NRF, the Council had agreed to contribute £200,000 to the CLF once it was operational. Provision for this contribution had been made within existing budgets.

A budget provision of £45,000 had been made for 2008/09. It was proposed to initially award £30,000 with the remaining £15,000 awarded upon satisfactory delivery of the additional services outlined in the SLA.

RESOLVED that;

- (i) a funding contribution of £30,000 to EDCDT for 2008/09 be approved
- (ii) approval be granted, in principal, to the content of the SLA for 2008/09 and a further funding contribution of £15,000 to EDCDT for 2008/09 subject to satisfactory delivery of additional services detailed in the SLA.
- (iii) a further report on accessing the £200,000 contribution to the CLF be awaited.

6. **ADDITIONAL URGENT ITEMS 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, following consultation with the Proper Officer, agreed that the following three items of business, not shown on the Agenda, be considered as a matter of urgency.

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

Consideration was given to the report of the Executive Member for Resources 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 (a) advances and transfers and (b) sums left outstanding on disposal of Council owned dwellings. The Council's local average rate was set at 7.24% from 1 April 2008.

RESOLVED that the local average rate of interest be set at 7.16% from 1 October 2008 for a further six months.

8. **FUEL POVERTY STRATEGY UPDATE (AOB)**

Executive – 22 July 2008

Consideration was given to the joint report of the Executive Members for Social Inclusion and Culture and Housing which sought approval to an updated District of Easington Fuel Poverty Strategy, a copy of which had been circulated to each Member.

Members were advised that the Warm Homes and Energy Conservation Act 2003 established the Government's aspiration for the eradication of Fuel Poverty by 2016 and the Home Energy Conservation Act 1997 set a national target of a 30% reduction in domestic energy consumption and carbon dioxide emissions over the same time period.

The current District of Easington Fuel Poverty Strategy was approved in 2002 and provided the framework to coordinate activities among the main partners to work with the Warm Homes Campaign to maximise the assistance provided to vulnerable residents within Easington District.

Details of achievements since the Fuel Poverty Strategy was launched were outlined in the report.

Since the original strategy was launched there had been a number of changes in the energy supply market with the cost of energy increasing by over 40% with an inevitable knock-on effect of increases in the numbers of households falling into fuel poverty. Under the new national performance framework NI 187 (Fuel Poverty) had been established to ensure that all Local Authorities reported on the levels of fuel poverty within their areas along with the activities undertaken to reduce fuel poverty. The authority had also introduced 5 local Performance Indicators.

In order to ensure the Council's key Strategy document for Fuel Poverty was up to date with current grant schemes and initiatives, Officers had engaged with the national fuel poverty charity National Energy Action in an exercise to update the strategy. As a result the core principles of the strategy remained unchanged but new appendices had been added to include all new grant regimes and support mechanisms within the updated strategy.

The Strategy did not make any specific commitment to expenditure in future years that were not already resourced. However there was an opportunity to embed best practice into the new Authority and this work would be fed into the LGR process.

The Chair congratulated all those involved with this piece of work.

RESOLVED that the updated District of Easington Fuel Poverty Strategy be approved.

9. **PROPOSAL FOR SELECTIVE LICENSING DESIGNATION IN THE WEMBLEY AREA OF EASINGTON COLLIERY (AOB)**

Consideration was given to the report of the Executive Member for Housing which proposed to introduce a 'Selective Licensing' scheme for privately rented properties in the 'Wembley' area of Easington Colliery and sought approval to submit an application for Selective Licensing to the Department of Communities and Local Government (CLG), a copy of which had been circulated to each Member.

Members were advised that the Housing Act 2004 provided local housing authorities (LHA) with a range of tools to encourage private sector landlords to

Executive – 22 July 2008

improve management, amenity and safety standards of their properties and to tackle anti-social behaviour originating from the tenants of private rented accommodation.

Selective Licensing required any person wishing to act as a private landlord in the designated area to apply for a license to operate. In considering the application the LHA would carry out checks to ensure that the applicant was a “fit and proper person”, that they had satisfactory procedures in place for management standards and dealing with anti-social behaviour, and that their property was suitable for the intended number of occupants and was in compliance with the Housing Health & Safety Rating System. It was a criminal offence to operate as a landlord without a license in an area where Selective Licensing had been declared.

There were currently five approved designations of selective licensing nationally. Whilst Selective Licensing was a powerful tool for LHA to control the behaviour of private landlords it was subject to considerable constraints. It was only available where certain conditions were met and where the Authority believed its introduction would reduce specific housing problems. CLG guidance on the process stipulated that the ‘designated area’ must be an area of low demand housing and/or be experiencing significant problems with anti-social behaviour.

The proposed submission document was attached as Appendix 1 to the report. The proposal focused on six streets in the Wembley area which consisted of 195 houses, 103 of which were private rented licensable properties, 32 were empty and 25 were owned by private landlords.

The area had been subject to a number of interventions by the Council and other partner agencies since September 2006 which had been overseen by a steering group. Although these interventions had undoubtedly had a real impact in improving the appearance of the area there were still high levels of anti-social behaviour and a significant number of empty properties which were unlikely to be resolved without direct intervention.

Selective Licensing was one of a range of tools for tackling housing related problems. Benefits identified from case studies of existing Selective Licensing areas suggested that similar schemes had had significant impact, details of which were outlined.

If approved, the Selective Licensing Scheme would be implemented by the Private Sector Renewals Team. Substantial work had already been undertaken to establish the ownership of property within the Wembley area, establish communication with identified Private Landlords, and a ‘Selective Licensing Pack’ was being developed.

If the application was granted, the scheme would be subject to a statutory 3 month consultation process during which time all Private Landlords within the Wembley Area would be contacted and invited to engage in the licensing process. This consultation period would enable Officers to conduct ‘fit and proper person’ checks of existing landlords as well as physical condition checks of rented property in the area in preparation for the ‘go live’ date.

Enforcement action against Landlords operating without a license, or operating in breach of their license, would be undertaken and any costs of enforcement action would be met from existing resources.

Executive – 22 July 2008

The CLG guidance on Selective Licensing allowed for a Licensing Fee to be introduced to cover the costs associated with running a Licensing Scheme. It was proposed to establish a charge of £350 per property registered. This charge would be payable per license issued, and would be a one-off payment to include an annual renewal of the license.

It was proposed that existing members of the District of Easington Accredited Landlords scheme would be effectively 'passported' into the Licensing Scheme as they had already met the licensing criteria by qualifying for the Accredited Landlord status. In order to promote the Accreditation scheme it was proposed that the cost of the scheme be deductible from the Licensing Fee if a Landlord successfully qualified for the Accredited Status within six months of acquiring a License, or acquired a license within 6 months of becoming an Accredited Landlord.

The Chair congratulated all those involved with this piece of work.

RESOLVED that the Head of Housing be authorised to submit the application for designation approval for selective licensing for the Wembley area of Easington Colliery

10. 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 item of business on the grounds that it involved the disclosure of exempt information, as defined in Paragraph 4, Part 1 of Schedule 12A of the Act.

11. EARLY RETIREMENT

Consideration was given to the report of the Executive Member for Resources which gave details of a request for early retirement with unreduced benefits, a copy of which had been circulated to each Member.

RESOLVED that approval be granted for the early payment of pension benefits to the officer outlined in the report under Regulation 30 of the LGPS on an unreduced basis.