

## **EXECUTIVE**

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on 12<sup>th</sup> February 2007 at 4.30 p.m.

### **PRESENT:**

Councillor A. Watson (Chairman)

Councillors: C. D. Christer, J. Huntley, O. Johnson, D.G. Lewellyn, M. J. Malone and A. Taylor.

### **IN ATTENDANCE**

Councillors E. Turner, C. Bell and W. Stelling.

### **APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor W. Armstrong.

#### **111. REVIEW OF SCRUTINY BOARD DEBATE**

A list of items discussed at Scrutiny Board were circulated, the Chair advised that the comments, if any, would be referred to as each agenda item was discussed. A copy of the notes of the Board meeting held 9<sup>th</sup> February 2007 are attached for information (Appendix 'A')

#### **112. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

#### **113. MINUTES**

Resolved: That subject to the following amendments the minutes of the meeting held 8<sup>th</sup> January 2007 be agreed:

- Page 73 – Minute 108,. 4<sup>th</sup> line – delete He , insert She.
- Page 74 - Minute 109 , 1<sup>st</sup> line – delete Councillor Taylor, insert Councillor Watson.

#### **114. BEST VALUE PERFORMANCE INDICATOR DATA AND COMPARISONS FOR 2005/06**

Councillor Malone presented the report which informed Members of the national quartile position of the Best Value Performance Indicators (BVPs) returns based upon 2005/06 outturn national quartile boundaries recently published by the Audit Commission.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007 and highlighted that they had requested that Learning Scrutiny Panel be asked to re-visit BVPI 12 (working days lost to sickness absence) and Councillor Huntley commented that there were lots of other areas in the report which Scrutiny could look at. Councillor Johnson commented that these figures related to performance some 12 months earlier and that some of the indicators had improved as a consequence of action plans introduced by Scrutiny.

**Options:** Whether or not to continue to scrutinise the Red Risk Rated indicators via the relevant Scrutiny Panel with a view to investigating the performance of any additional Best Value Performance Indicators if deemed necessary.

**RESOLVED:** That Learning Scrutiny Panel be requested to re-visit Best Value Performance Indicator 12 (Working days lost to sickness absence).

**Reason:** In order to investigate methods which may help the authority improve the performance of BVPI 12.

#### **115. THE CLEAN NEIGHBOURHOOD & ENVIRONMENT ACT 2005: THE NEW POWERS AND DUTIES UPDATE ON IMPLEMENTATION**

Councillor Johnson presented the report which sought approval for the enforcement aspects of the Clean Neighbourhood and Environment Act 2005 in relation to Littering. The report builds upon a debate at Environment Scrutiny when the new powers were considered and their relevance to the local issues in Derwentside and the Local Strategic Partnership priorities on cleanliness. He advised that an amended recommendation was submitted and this was circulated to all at the meeting.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007. **The Board had welcomed the report and suggested that Executive give consideration to increase the fixed penalty charge to the maximum penalty allowed.** Considerable debate took place on what was considered the correct level to fix the charge and also the reaction to the charge from members of the public.

In response to questions the Divisional Head of General Services advised that this was a trial project funded by the LSP until December 2007. Included as part of the project there was to be a public awareness campaign to raise the profile of the issues of littering and 'enviro-crime'.

#### **Options:**

1. Agree to the introduction of an enforcement regime for Street Littering as a trial with the two posts funded by the LSP, giving powers to issue the Fixed Penalty Notices for littering and Dog Fouling. Police Community Support Officers to issue FPNs on the Council's behalf. **The level of the**

Fixed Penalty Notice be fixed at a level between £70 and the maximum the Government allowed.

2. Determine that the scheme should not proceed other than the Police and the PCSOs are given delegated powers to issue FPNs.
3. The scheme proceeds except that the Police are not given delegated powers to issue FPNs on behalf of the Council.

Following the debate Councillor Llewellyn and Councillor Huntley requested that their names be recorded as having voted against the £100 fixed penalty charge.

**RESOLVED:**

1. That agreement be granted for the introduction of an enforcement regime for Street Littering as a trial with the two posts funded by the LSP giving powers to issue the Fixed Penalty Notices for Littering and Dog Fouling.
2. That the level of Fixed Penalty Notices be set at the maximum the Government allowed of £80.00.
3. That Members note that the Director of Environmental Services will be exercising delegated authority to nominate named Council Officers, Police Officers and Police Community Support Officers to issue Fixed Penalty Notices on the Council's behalf.
4. That Members note that the Legal Services Manager will be exercising delegated authority to seek redress from non-payers as appropriate In accordance with the Enforcement Concordat ensuring a proportional response to individual cases.

**Reasons:**

1. The new Corporate Plan has chosen cleanliness as one of the new Priority Objectives. One of the targets is to implement a new Council Enforcement Strategy complying with the Clean Neighbourhoods and Environment Act (CNEA) by March 2010.
2. This report offer the opportunity for the Council to trial a system of enforcement to determine whether a real difference can be made through the use of Fixed Penalty Notices.

**116. STREET CLEANING SERVICE REVIEW**

Councillor Johnson presented the report which informed Members of the information gathered during the review of the street cleaning operation and to recommend changes that should improve the performance and public satisfaction levels for this high profile front line service.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007.

**Options:**

1. Status Quo.
2. Implement the proposals as set out in Section 4.0 of the report.

3. Outsource the service to an alternative supplier.
4. Pursue partnership working with other service providers from Neighbouring Authorities.

**RESOLVED:**

1. That Option 2 be agreed - to implement the proposals as set out in Section 4.0 of the report, to operate the service on a Ward based system.
2. That the budget for this service be increased by £95,774, to enable the full structure to be implemented.
3. That the core workforce be increased from 20 to 28 and change the 3 existing short term contracts into full time positions.
4. That a Street Scene Supervisor be appointed to assist the Street Scene Manager in the day to day managing and monitoring of the service.
5. That agreement be granted for the implementation of Enforcement Officers as set out in Section 3.12 of the report.
6. That officers are instructed to investigate methods of marketing the service, to better inform the customer of the efforts being made, in order to improve customer satisfaction levels.
7. That officers continue to investigate the option for partnership working with neighbouring authorities.

**Reason:** Public expectations about the state of the streets are high.

**117. BUSINESS IMPROVEMENT TECHNIQUES**

Councillor Malone presented the report which advised Members that the Comprehensive Spending Review 2007, published in July 2006 had highlighted Productive Time as a key area for further improvement within the Public Sector, in order to continue to deliver sustainable efficiency savings

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007.

**Options:** Whether to agree, amend or reject the proposals for a pilot Business Improvement project as detailed in the report.

**RESOLVED:**

1. That the Authority implement pilot Business Improvement projects in the suggested areas, as detailed in the report.
2. That the outcome of these pilots be reported, with a view to extending the project to other areas of the Authority.
3. That subsequent to reviews on the effectiveness of the processes, the Authority submits an expression of the interest to the NECE in respect of the Foundation Level Degree for senior staff.

**Reason:** The key to optimising Productive Time lies in effective, efficient, economic systems and procedures for dealing with everyday business, which are sustainable.

#### **118.. GENERAL SERVICE FEES AND CHARGES 2007/08**

Councillor Johnson presented the report which sought approval for the proposed increase in fees and charges within General Services for the 2007/08 financial year.

It was highlighted that due to an increase in the number of requests for the skip service outside the Derwentside District it was proposed to implement an extra charge for this service.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007.

**Options:** Whether to agree, amend or reject the proposals for General Service Fees and Charges for 2007/08.

**RESOLVED:** That the fees and charges for the 2007 – 2008 financial year as detailed in the report be agreed.

**Reasons:**

- 1, Following recommendations produced by Internal Audit in 2005 a full review of the pricing structure was completed and prices are now reviewed on an annual basis.
2. A market testing exercise has shown the proposed prices are still competitive in the current market and have been set to take into account the increased labour and fuel costs.

#### **119. MAJOR CENTRES BASELINE STUDY UPDATE**

Councillor Llewellyn presented the report which provided Members with a 2006 update to the 2004 baseline study on the economic performance of the major centres in County Durham.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007.

**Options:**

1. Note the information contained in the report and progress with current town centre improvement proposals and receive a further report when the Baseline Model is re-run in 2-3 years time in order to monitor the impact of development schemes serving the centres.

2. Note the information contained in the report and require current plans and proposals affecting the two towns to be reviewed in the light of the findings of the 2006 Baseline Update.

**RESOLVED:** That option (1) be approved, i.e. The information provided in the report be noted, agreement be granted to progress current town centre improvement proposals and receive a further report once the Baseline Model is re-run.

**Reasons:**

1. Significant new developments are currently being planned to support the further improvement of both Consett and Stanley town centres.
2. The impact of new developments can be measured once the Baseline Model is re-run in 2-3 years' time.

**120. EXCLUSION**

On the motion of Councillor Malone seconded by Councillor Taylor that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1,2,3,6 and 7 of the Local Government Act 1972 (As Amended).

**121. ENVIRONMENTAL HEALTH SERVICE REVIEW**

Councillor Johnson presented the report which proposed changes to the structure of the residual Environmental Health Division following the transfer of certain private sector housing services to a newly formed Strategic Housing Division. The report sought approval for the implementation of the revised structure as detailed in the report, as from April 2007.

In response to Councillor Malone's questions he was advised that the improvement plan would be finalised by the end of March and presented to Environment Scrutiny to enable them to monitor progress against the predicted outputs and outcomes highlighted within the report. The reorganisation of the service was the first step in facilitating the improvement plan.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007.

**Options:** Whether to agree, amend or reject the proposed changes as detailed in the report.

**RESOLVED:**

- 1, That the recommendations in the report be approved subject to consultation with staff and Trade Unions, and agreement be granted to the re-organisation of the residual Environmental Health Service as from April 2007.

2. That approval be granted to transfer £83,000 from the existing budget to the Strategic Housing Service, together with those private sector housing functions identified for transfer.
3. That approval be granted to increase the residual budget for the Environmental Health services by £58,818 from 2007/ 2008, increasing in line with predicted salary costs over 5 years, when the structure would be fully implemented.
4. Members consider a further report on the development of pest control service, including a review of fees and charges.

**Reason:** It is anticipated that by adopting the proposed changes outlined in the report and investing in the delivery of Environmental Health services, the authority will realise a step change in the delivery and performance of Environmental Health services.

## **122. DERWENTSIDE DISTRICT COUNCIL WEBSITE: USER FORUM**

Councillor Malone presented the report which advised Members of proposals to address the issue of abuse of the Council's website forum policy prior to further reports coming forward with regard to its replacement with a similar citizens debating forum in the coming year.

Members were asked to recall that from September 2006 the Council's website forum was temporarily suspended as a consequence of a breach of the Council's forum user policy. The forum had been temporarily suspended on several occasions during the preceding 12 months as a consequence of previous abuse of the policy which unfortunately, due to the methodology used to operate the forum, could not be managed out. Unfortunately, Officers had been unable to re-establish the forum as a consequence of the high risk of breach recurring in the future.

A further reason for not immediately reviewing the reinstatement of the website forum, was as a consequence of the Police's action in investigating various comments which had been made which had resulted in the forum being suspended. The Police had informed officers that they had concluded their investigation but are unable to take criminal proceedings against those they have identified as the perpetrators of the breach of our policy on the advice of the Crown Prosecution Service.

Unfortunately, the Police cannot release the names or addresses of those individuals they believe contributed to the breach of the forum policy as a consequence of data protection and the fact that it was a criminal investigation. Therefore, in order that the Council may further investigate this matter, Officers were seeking Executive approval for the engagement of legal advice for the purpose of entering into legal proceedings against the Police which will facilitate the release of this information.

Once acquired, this information will enable the Council to take proceedings against the perpetrators, subject to further legal advice of course, in order to demonstrate that further breach of the Council's policy in this regard will not be tolerated and therefore enabling the Council to reconsider options for the reinvigoration of the forum at some future date.

If Members of the Executive endorse the recommendations in the report for legal advice to be taken with regard to recovering information from the Police, Members need to be aware of a potential reputational risk for the Council. The Police have advised that at least one, and possibly more, of the contributors to the website forum debate which resulted in the forum being suspended may have been employees or Members of the Council which, if proven to be correct, could lead to a significant amount of embarrassment for the authority if further disciplinary or legal proceedings are entered into.

However, it was considered that reinstating the forum without demonstrating the Council's commitment to enforcing its user policy, mainly for the protection of users of the forum or others who could be libelled therefore exposing the Council to further legal risk, would simply result in future difficulties in the future through further abuse of the forum policy.

Executive endorsement of the recommendations in the report was sought to take further legal advice and action with regard to the release of names whom the Police suspect of being in breach of the existing website user forum policy and, if appropriate, after that information is received further disciplinary or legal action against those alleged to have perpetrated that breach.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007, the Board agreed with the recommendations within the report and confirmed the need for the Council to uphold the principles and policies relating to the use of the User Forum.

**Options:** Whether to agree, amend or reject the proposals in the report regarding the existing website user forum policy.

**RESOLVED:** That further investigation of the most recent breach of the forum user policy be endorsed and agreement be granted for legal proceedings to be commenced initially for the release of information from the Police, followed by potential action against the perpetrators of the breach.

**Reasons:** To facilitate a further review of the options for reinstatement of the Council's website forum and demonstrate that the Council's user policy in this regard will be strictly enforced.

## **122. STANLEY TOWN CENTRE – PHASE 2 REGENERATION**

Councillor Llewellyn presented the report which requested Members' approval to enter into a Development Agreement and subsequent lease in relation to Stanley Town Centre – Phase 2 Regeneration.

Councillor Christer commented that hopefully this project would contribute to raising satisfaction levels and the image of the area.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007 when considerable debate had ensued in relation to the layout of the proposed development, particularly in relation to highways / service provision. It was noted that, should the Development Agreement be entered into, there would be opportunities for Members to influence the design of the project.

The Director of Development and Asset Management highlighted that the scheme would only progress if it was financially viable to the developer. He also advised that it was realistic to expect that the Council would have to go through a CPO process however, he anticipated that it would be at least 2 years before work commenced and a further 18 months to complete the project.

Two schemes had been prepared by Modus. Both were financially viable but required approval from the Council as landowner.

### **Options:**

1. Commit the Council to the Agreement as presented in the report.
2. Commit the Council to the Agreement being presented subject to amendments.

### **RESOLVED:**

1. That authority is granted to officers to conclude the Development Agreement as detailed at 5.1 in the report.
2. Any benefits arising to the Council from the project surplus arrangement set out in the paper be ring-fenced for the benefit of Stanley Town Centre; and
3. Approval was given to the two presented schemes as landowner, and that they both are taken forward along with any other considerations regarding the scheme, for public consultation to be concluded prior to the submission of a full Planning Application.

**Reasons:** This provides the best opportunity to secure a significant new town centre development for Stanley with significant local economic and community benefits.

## **123. DISPOSAL OF LAND AT HAMSTERLEY**

Councillor Huntley presented the report which requested retrospective consent to the terms agreed for the disposal of the area of land at Hamsterley (as shown on the plan attached as Appendix to the report).

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007.

**Options:**

1. To dispose of the freehold interest in the site as detailed in the report.
2. To refuse to sell the freehold interest in the site.

**RESOLVED:**

1. That approval be granted to dispose of the site on the terms outlined in the report subject to any issues arising from the process of open space disposal; and
2. A licence for early entry onto the site be granted, on terms and conditions to be approved by the Council's legal advisors.

**Reasons:**

1. A disposal of the land would facilitate the development of a new Medical Centre in the village.
2. Allowing early entry would reduce the possibility for delays in commencing the development.

**125. SALE OF LAND AT WATLING STREET INDUSTRIAL ESTATE, LEADGATE**

Councillor Llewellyn presented the report which requested authority to dispose of an area of land on the Watling Street Industrial Estate in Leadgate (as shown on the plan attached as Appendix A to the report).

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007

**Options:** Whether to agree, amend or reject the proposals to dispose of the land.

**RESOLVED:**

1. That authority be granted to proceed with a disposal of the land as shown hatched on the plan appended to the report and on the terms set out within the report.
2. A maximum amount of £25,000 be set aside from the capital receipt for improvements to Watling Wood.

**Reasons:**

1. The land is designated in the Local Plan as Industrial.
2. The Council will receive a capital receipt.

3. The retention and growth of a local business is secured.
4. The proposed set aside would recognise the need to enhance the remaining area of Watling Wood to offset the impact on established woodland.

## **126. PROPOSED SALE OF LAND AT LILY GARDENS, DIPTON**

Councillor Huntley presented the report which requested authority to dispose of an area of land on the Lily Gardens Estate.

In response to Councillor Watson's questions the Executive Director advised that the District Council would have 100% nomination rights on first time letting of the properties and 50% on second time lettings.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007.

### **Options:**

1. Dispose of the Council's freehold interest as detailed at 3.7.(i) in the report.
2. The site be divided into 4 or 5 self build units and sold on the open market.

**RESOLVED:** That the Council's freehold interest in the site be disposed of as detailed at 3.7(i) in the report.

### **Reasons**

1. Members are at liberty to dispose of land at an undervalue where it is considered that the purpose for which the land is to be disposed of would produce social benefits and represent value to the community.
2. This would ensure the completion of the scheme and the creation of additional social housing.

## **127. DISPOSAL OF LAND AT TEMPLETOWN**

Councillor Huntley presented a report which requested authority to dispose of an area of land at Templetown for residential purposes.

The Chairman referred Members to the notes of Scrutiny Board held 9<sup>th</sup> February 2007. Discussion took place on the concerns raised by the Board and the Divisional Head of Land and Property advised that if the site were advertised on the open market, the proposed purchaser could well submit a lower offer. The

Director of Development and Asset Management also advised that the Council were not obliged to advertise on the open market.

**Options:**

1. Proceed with a disposal as detailed in 3.1 (1) in the report.
2. Withdraw from disposal and advertise on the open market.

**RESOLVED:** That authority be granted to proceed with a disposal as detailed in 5.1 in the report, on the terms outlined in the report.

**Reason:** This maximises disposal proceeds.

**128. FUTURE ASSET DEVELOPMENT AND MANAGEMENT STUDY**

Councillor Llewellyn presented a report which outlined proposals to complete a study into means of optimising the management and further development of, Council assets and associated services so as to maximise their benefits for the Derwentside Community.

The Executive Director advised that Scrutiny Board had no concerns with the report.

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

**RESOLVED:** That authorisation be granted to complete the study into future asset management and development as outlined in the report.

**Reasons:** This decision is made on the basis that new models of asset management and development have been successfully adopted by the Council for some service areas and it is therefore appropriate to consider whether such models could be adopted / adapted for any other service.

**CONCLUSION OF MEETING**

The meeting closed at 6.01 p.m.