

## **EXECUTIVE**

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on 9<sup>th</sup> July at 4.30 p.m.

## **PRESENT**

Councillor A. Watson (Chairman)

Councillors: C.D. Christer, O. Johnson, D. Lavin, D.G. Llewellyn, C. Marshall, M.J. Malone and A. Taylor.

## **IN ATTENDANCE**

Councillors W. Stelling and E.J. Williams.

## **APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted.

### **8. 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 note of the Scrutiny Board meeting held 2<sup>nd</sup> July 2007 are attached for information (Appendix 'A').

### **9. DECLARATIONS OF INTEREST**

Councillor A Watson declared an interest in Item 7 on the Agenda.

### **10. MINUTES**

**RESOLVED:** That the minutes of the meeting held 11<sup>th</sup> June 2007 be agreed as a correct record.

### **11. YEAR END REVIEW OF PERFORMANCE 2006 /07**

Councillor Malone presented the report, the purpose of which was to inform Members of the performance of red, amber and green rated Best Value Performance Indicators (BVPIs) for the year 2006/07.

An analysis of performance for all red risk indicators for 2006/07 was detailed in the report and in addition significant falls or gains in performance for amber risk indicators were highlighted along with a short summary of performance for green rated indicators. Section 4 detailed the results of the satisfaction survey undertaken during 2006/07 and gave an overview of performance of these indicators.

The Audit Commission had indicated that PIs in future will reflect individual priorities at a neighbourhood level and Appendix 4 contained a set of local PIs that reflected the current Corporate Aims and Objectives. These local PIs were included for member's information and would form part of the Performance Management Framework and Scrutiny process for 2007/08.

All red risk rated indicators had now completed action plans and all action plans completed during Quarters 2, 3 and 4 had been referred to the relevant Scrutiny Panels throughout the year. There were eight red risk indicators recommended for 2007/08 with suggested reporting frequencies.

Overall, performance for both the indicators that measured satisfaction rates and also all red, amber and green risk rated indicators has shown that almost 60% of indicators reached or exceeded their anticipated year end targets. Performance has also improved in over half of all indicators where comparison with 2005/06 was possible and 51% percent of BVPIs had improved, 20% have remained the same and 29% have deteriorated.

The outturn national quartile boundaries for 2006/07 would not be available until later in the year, but based upon the 2005/06 boundaries the authority would have 37% of indicators in the best performing quartile, 20% in the second best performing quartile and 15% in both the third and worst performing quartiles. Comparable quartile data was unavailable for the remaining 13% of indicators. The report also introduced a set of local indicators that reflected the aims of the Corporate Plan 2006-2010, which would form part of the Performance Management Framework and Scrutiny process for 2007/08.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:** Whether or not to commission further reports into the performance of any of the Best Value Performance Indicators with a view to incorporate any indicators that pose concern into the Action Planning and Scrutiny process.

**RESOLVED:** That the information contained in the report regarding the performance of the Council against Best Value Performance Indicators be noted.

**Reasons:**

- (i) To investigate innovative solutions to address falling performance.

- (ii) To enable any slippage in performance to be noted and risk bandings re-assessed throughout the year.

## **12. DERWENTSIDE ECONOMIC DEVELOPMENT STRATEGY 2008-2013**

Councillor Llewellyn presented the report the purpose of which was to highlight the progress achieved through the economic development strategy for Derwentside 2000-2006 and to agree consultation proposals for a draft strategy for the period 2008 to 2013.

He pointed out that earlier drafts of the County Durham Economic Strategy had identified three strategic economic corridors in the County which already had a significant business base and had the potential for significant further investment. The Consett – Stanley – Chester-le-Street Corridor was identified as an important investment location close to the heart of the Tyne and Wear City Region. It was considered as an area of substantial economic opportunity, offering investors and companies further choice with regard to where to invest in the North East. He emphasised that a number of concerns had been expressed that the current draft of the County Durham Economic Strategy no longer highlighted the Consett – Stanley – Chester-le-Street Corridor and the major contributions the area can make to the County Durham and regional economy. Questions had been asked regarding this devaluation however, no satisfactory response had been received and Officers were currently pursuing this matter in an attempt to re-negotiate to re-establish the Consett – Stanley – Chester-le-Street corridor as a strategic economic corridor.

Discussion took place on the importance of this issue, Councillor Watson questioned whether this devaluation of the status of the corridor would affect distribution of resources and Councillor Taylor raised concerns regarding the affect on future funding for the District. Councillor Marshall raised questions on the opportunity for stakeholders to influence the document and in response Councillor Llewellyn added that this was currently a draft document and stakeholder consultation was planned to take place during September to November 2007.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

### **Options:**

- (i) Agree to the consultation timetable for a Derwentside Economic Development Strategy 2008-2013.
- (ii) Suggest an alternative consultation timetable for a Derwentside Economic Development Strategy.
- (iii) Reject the need for a Derwentside Economic Development Strategy 2008-2013.

**RESOLVED: That Option 1 on the report be agreed and that the outline timetable for a Derwentside Economic Development Strategy 2008-2013 as detailed in the report be approved.**

**Reasons:**

- (i) The need for a local economic development strategy for Derwentside has been recognised by the Economy Scrutiny Panel and the Economic Development Forum;
- (ii) The Economic Development Forum provides an effective multi-agency group to drive the strategy forward for the benefit of residents and businesses of Derwentside.
- (iii) The draft strategy fully identifies the key issues and opportunities that need to be addressed to ensure Derwentside develops a robust, self sustaining local economy; and
- (iv) The timetable for consultation provides an opportunity for full and open consultation with key stakeholders.

**13. HOUSES IN MULTIPLE OCCUPATION:  
MANDATORY LICENSING SCHEME**

Councillor Lavin presented the report which advised Members of the new Licensing arrangements for Houses in Multiple Occupation (HMO) and outlined the progress which had been made to date with respect to the introduction of Mandatory Licensing within Derwentside.

The report also sought Member approval of the proposed prescribed accommodation standards, licensing conditions and a 'fit an proper person' test to be used by the authority in the determination of Mandatory licence applications for HMO's.

Councillor Llewellyn pointed out that local authorities are entitled to set their own local standards and asked if this had been investigated and whether any evidence had been gathered to support a licensing scheme for specific areas within the District. In response Councillor Lavin advised that officers were continuing to assess the situation to identify properties within the area which required a licence.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007

Councillor Malone requested information regarding the comments of the Environment and Health Scrutiny Panel. In response the Director of Environmental Services advised that the Panel had questioned the process of not requiring all HMO applicants to be automatically subjected to a Criminal Records Bureau (CRB) check. The Panel had been advised that the applicants will be required to sign a declaration within the application but there was a proviso that

the Council retained the right to ask for a CRB check to be undertaken if this was considered necessary. This approach had been agreed with neighbouring authorities and any change to the process by requiring an automatic CRB check would not be consistent with the approach adopted throughout County Durham.

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

**RESOLVED:**

1. That the proposals contained within the report be accepted.
2. That the Licensing Standards for Houses in Multiple Occupation, set out in Appendix 2 to the report be approved. Once adopted, these to be published to make this document freely available to the public.
3. That the Licensing Conditions for Houses in Multiple Occupation, set out in Appendix 3 to the report be approved.
4. That the Director of Environmental Services, in consultation with the Portfolio Member for Health, be authorised to revise the Licensing Conditions and Prescribed Standards detailed in the report, when, and if, appropriate.
5. That the 'fit and proper person' assessment criteria set out in the report be approved.
6. That Members consider a further report within the next 12 months, reviewing annual operational costs, licence fees and scope of the licensing scheme. This report should be considered in detail by the Environmental and Health Scrutiny Panel within their annual work programme.

**Reasons:**

- (i) The proposals set out within the report are in-line with the requirements of the Housing Act 2004, which came into force on 6 April 2006.
- (ii) By approving the proposed Standards for Licensable Houses in Occupation, the suitability of the accommodation and facilities offered can be determined. Limits can then be set on the maximum number of persons / households allowed to occupy the property.
- (iii) Adopting licensing conditions will also enable conditions to be adhered to over the period of the licence and enable enforcement action to be taken where necessary to maintain standards.
- (iv) By accepting the report, it will enable the Council to:
  - Ensure each person having control or managing is a fit an proper person;
  - Ensure that the management arrangements are satisfactory;
  - Refuse or vary a licence where it is not satisfied with the circumstances of the application, applicant or the property.

**Prior to consideration of the following item Councillor A Watson declared an interest as his position as Chairman of the North East Regional Assembly, when it was agreed that he be allowed to remain in the meeting.**

#### **14. NORTH EAST OF ENGLAND REGIONAL SPATIAL STRATEGY:**

Councillor Johnson presented the report, the purpose of which was to inform Members of the Proposed Changes to the North East Regional Spatial Strategy (RSS) published for public consultation by the Government Office for the North East (GONE) on behalf of the Secretary of State.

Due to the nature of some of the Panel's recommendations GONE have decided to have a two-stage consultation on the Proposed Changes. The first stage will be ten weeks, and during this time further supplementary information will be sought from the North East Assembly. Following consideration of the responses to this second round of consultation the final RSS is expected in early 2008.

The Report outlined a number of issues that are raised by the Proposed Changes but the most serious of these was the proposed housing allocation. GONE had used the allocations recommended by the RSS Panel, which reduces Derwentside's figure from 4250 net new dwellings to 2021 in the Submission Draft to 3215. As a result the Council will have difficulty securing new affordable housing and using new housing to regenerate the District's communities.

As mentioned in the Report NEA have been asked by GONE to propose a revised housing distribution. This proposed distribution will see Derwentside's allocation rise to 4580 new dwellings. It should be stressed that these figures have not yet been approved by the Board of NEA however if they were submitted in this form to GONE then the Council should support them.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:** Whether to agree, amend or reject the proposed submission of comments to GONE.

**RESOLVED:** That agreement be granted to submit comments to GONE objecting to the housing allocation for Derwentside in the Proposed Changes and to support the housing allocations proposed by the North East Assembly.

**Reasons:** In order to participate in the consultation process and to submit comments to GONE objecting to the housing allocation for Derwentside in the Proposed Changes and to support the housing allocations proposed by the North East Assembly.

## **15. THE DERWENTSIDE PLAY STRATEGY**

Councillor Taylor presented the report which advised that as part of the Big Lottery Fund's £155m Children's Play initiative, Local Authorities had been allocated funding for play based on population, levels of deprivation and size. Derwentside's allocation was £221,543. However, in order to access this funding, a newly revised and much expanded Play Strategy had to be submitted.

Following the transfer of the Leisure Team to Leisureworks, the Corporate Policy Unit had been responsible for overseeing Knight Kavanagh Page (KKP) who were appointed to develop the new Play Strategy. The development of the Play Strategy had been undertaken in two phases: Phase 1 (January to July 2007) - Development of the Play Strategy and the final draft of the Play Strategy was attached as Appendix 1 to the report. The draft was put together on the basis of extensive consultation and was approved by the Play Partnership on 26<sup>th</sup> June.

The Play Strategy was presented to the Community Safety and Strong Communities Scrutiny Panel on 26<sup>th</sup> June and was well received. Scrutiny comments and officers' response were outlined in Appendix 3.

Phase 2 of the Play Strategy would take place from June to September 2007 and would include development of a costed portfolio of projects to the sum of £221,543, linked to the Play Strategy developed in Phase 1. There was no requirement for match funding. KKP has concluded that two priority projects have emerged from the consultation process: (i) Appointment of a Play Ranger (c. £132k for three years). The Play Ranger would provide supervised play opportunities across the District and would work with partner agencies, community groups and young people to support the development of new play activities through volunteering or best use of existing resources. (ii) Natural Play Team (c. £89k for three years). A team of 6-8 sessional workers would be recruited for three years, to cover school holidays and undertake supervised natural play around Derwentside. Both projects were suggested to the Play Partnership on 26<sup>th</sup> June and were wholeheartedly supported.

The portfolio submission date for the Big Lottery Fund was 10<sup>th</sup> September 2007

Clarifications from Members regarding the Lanchester Parish Plan and Annfield Plain Community Appraisal was reported and would be included in the final Strategy.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:** Whether to agree, amend or reject the proposal for the Play Strategy.

**RESOLVED:**

1. **Subject to the inclusion of the comments regarding Lanchester Parish Plan and Annfield Plain Community Appraisal the Plan Strategy be approved.**
2. **That the Play Strategy projects as detailed in the report be approved to become part of the portfolio application to the Big Lottery Fund.**

**Reason:** The Play Strategy is required in order to access the Big Lottery allocation.

16. **DERWENTSIDE LOCAL DEVELOPMENT FRAMEWORK:  
RESPONSE TO CORE STRATEGY DEVELOPMENT PLAN**

Councillor Johnson presented the report which informed Members of the responses received following consultation on the Issues and Options stage of the Core Strategy carried out earlier this year. The report also sought approval for the creation of a Member's Working Group for the Local Development Framework.

Further analysis was to take place to select the preferred option. These would then be taken forward and developed into policies and proposals in the Preferred Options document, which was currently programmed for February 2008.

As part of the ongoing consultation arrangements it was important to have the close involvement of Members of the Council. It is therefore suggested that a Members Working Group should be established in accordance with the proposed Terms of Reference attached at Appendix 3.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:** Whether to agree, amend or reject the proposals for responses to the Core Strategy Development Plan and a Member Working Group.

**RESOLVED:**

1. **That the responses to the Core Strategy Development Plan Document Issues and Options be agreed.**
2. **That the establishment of a Members Working Group for the Local Development Framework be agreed.**

**Reasons:** As part of the ongoing consultation arrangements it was important to have the close involvement of Members of the Council

## **17. CAPITAL PROGRAMME 2007 – UPDATE**

The purpose of the report was to inform Members of the current position with regard to the capital programme and sought approval of new bids that satisfied prioritisation criteria and to assess available resources. This follows the regular quarterly updates to Executive during the last financial year.

The Medium Term Financial Plan – 2006/07 to 2009/10 was agreed at a Special Meeting of the Council on 21<sup>st</sup> February 2006. The Capital Programme element had previously been agreed by the Executive and had been prepared in accordance with the authority's prioritisation methodology.

Councillor Taylor raised the issue of emergency work which was required to deal with the recent flooding problems in the Havannah Ward. In response the Director of Environmental Services advised that resources had been identified to deal with flooding issues in both Shield Row and Burnopfield under 'emergency' provisions.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

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

**RESOLVED:** That the information regarding the capital Programme and the new bids that satisfy prioritisation criteria be noted.

**Reasons:** To allow the limited available resources to be monitored and utilised in the most effective way, allowing the Council to mobilise the most essential projects.

## **18. EXCLUSION**

**ON THE MOTION OF COUNCILLOR O. JOHNSON SECONDED BY COUNCILLOR D.G. LLEWELLYN 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 PARAGRAPH 3 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED).**

## **19. REPAYMENT OF RENOVATION GRANT**

Councillor Lavin presented the report which requested Members to determine the level of repayment of grant monies in respect of the property detailed in the report.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:** To consider the individual circumstances of the case and the advice of the Council's legal advisor as detailed in the report.

**RESOLVED:** That Members agree to demand the repayment of the renovation grant monies in full in respect of the property detailed in the report.

**Reasons:**

- (i) The relevant disposal of the property was completed within five years from the completion date of the renovation grants and therefore the full amount of the grant would be repayable to the Council.
- (ii) The disposal of the property does not fall within any of the circumstances contained within The Housing Grants, Construction & Regeneration Act 1996 (Grant Repayment) General Consent 2000 and that, the applicant would not suffer financial hardship if the Council were to demand repayment of the renovation grant in full or in part.

## **20. SALE OF LAND AT WATLING STREET INDUSTRIAL ESTATE**

Councillor Marshall presented the report which sought authority to dispose of an area of land on the Watling Street Industrial Estate in Leadgate.

In response to Councillor Llewellyn's questions regarding possible future extension of the site Councillor Marshall advised that each case would be judged on its merits. The Chief Executive Officer advised that if any future expansion was considered it may be possible to accommodate this within the area to be conveyed. Councillor Taylor commented that if the site became limited the business would be welcomed to relocate in the Stanley / Beamish part of the District.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:**

- (i) Whether to agree to retain the land for future Industrial use and deal with individual requests to acquire land as they arise.
- (ii) Whether to agree that the land be retained for use as Woodland and officers seek to remove its designation for Industrial purposes.

**RESOLVED:**

1. That approval be granted to proceed with the disposal of the land shown hatched on the plan attached to the report on the terms set out within the report.

2. **That the Council refrain from disposing of any further areas of Watling Wood and support the removal of its industrial use designation.**

**Reasons:**

- (i) The land is designated in the Local Plan for industrial use.
- (ii) The council receives a capital receipt.
- (ii) The retention and growth of a local business is secured.
- (iv) The retention of a well-established woodland area for the benefit of the local community.

**21. SALE OF LAND AT SHIELD ROW LANE, NEW KYO**

Councillor Marshall presented the report which advised Members of the action taken regarding tenders received in relation to the disposal of the area of land shown verged on the plan attached to the report.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:** Whether to accept or reject the tenders as detailed in the report.

**RESOLVED:**

1. **That tender B be accepted subject to the terms detailed in the report.**
2. **That tenders C and D be held in reserve as detailed in the report.**

**Reason:** The land was considered surplus to Council requirements.

**22. SALE OF LAND AT VALLEY VIEW, BRIDGEHILL**

Councillor Marshall presented the report which advised Members of the action taken to accept a tender received in relation to the disposal of an area of land at Bridge Hill, shown verged on the plan attached to the report.

The Chairman referred Members to the notes of Scrutiny Board held 2<sup>nd</sup> July 2007.

**Options:** Whether to accept or reject the tenders detailed in the report.

**RESOLVED:**

1. **That tender A be accepted subject to the terms detailed in the report.**
2. **That tenders B, C and D be held in reserve as detailed in the report.**

**Reason:** The land was considered surplus to Council requirements.

**CONCLUSION OF MEETING**

**The meeting closed at 5.32 p.m.**

