

Executive

Councillors C. D. Christer, O. Johnson, D. Lavin, D. G. Llewellyn, M. J. Malone, C. Marshall, A. Taylor, A. Watson O.B.E

Dear Councillor,

Your attendance is invited at a meeting of the Executive to be held in the Council Chamber, Civic Centre, Consett on 14th April 2008 at 4:30 p.m. for consideration of the undernoted agenda.



MIKE CLARK

Chief Executive Officer

Agenda

1. **REVIEW OF SCRUTINY BOARD DEBATE**

A list of items discussed at Scrutiny Board held on Friday 11th April.
(To be circulated at the meeting)

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

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

3. **MINUTES**

To consider the minutes of the meeting held on 10th March 2008.
(Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

4. **EXCLUSION**

THE PRESS AND PUBLIC ARE LIKELY TO BE EXCLUDED FROM THE MEETING FOR THE FOLLOWING ITEMS OF BUSINESS ON THE GROUNDS THAT THEY INVOLVE THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 3 OF PART 1 OF SCHEDULE 12(A) OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED).

5. **SALE OF LAND AT CUT THROAT LANE, HIGH WESTWOOD**

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

6. **DISPOSAL OF LAND AT PONT LANE, LEADGATE**

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

7. **SALE OF CEMETERY LODGE, BLACKHILL, CONSETT**

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

8. **DERWENTSIDE TRAINING - BUSINESS PLAN 2008-2010**

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

Agenda prepared by Gemma Donaghy, Democratic Services 01207 218249

EXECUTIVE

Minutes of a meeting of the Executive held in the Council Chamber, Civic Centre, Consett on 10th March 2008 at 4.30 p.m.

PRESENT:

Councillor A. Watson (Chairman)

Councillors: O. Johnson, D. Lavin, D. Llewellyn, C. Marshall and A. Taylor.

IN ATTENDANCE:

Councillors: L. Marshall and W. J. Tyrie.

APOLOGIES FOR ABSENCE:

An apology for absence was submitted on behalf of Councillor C. Christer.

68. 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.

69. DECLARATIONS OF INTEREST FROM MEMBERS

In accordance with Standing Orders and the Council's Code of Conduct Councillor A Watson declared a personal interest in relation to Item 6 on the agenda – North East of England Regional Spatial Strategy as Chairman of the North East Assembly.

Councillor D. Lavin declared an interest in Item 9 on the agenda – Sale of land at Shield Row Lane, New Kyo.

70. MINUTES

RESOLVED: That the minutes of the meeting held 18th February 2008 were agreed as a correct record.

71. THE NEW LOCAL PERFORMANCE FRAMEWORK – FUTURE COLLECTION OF BEST VALUE PERFORMANCE INDICATORS

Councillor Malone presented the report which highlighted the forthcoming changes to the future collection of performance information by the Council as a result of the regulations contained within the Local Government and Public Involvement in Health Act 2007. This Act introduced a new National Indicator set of 198 indicators which covers the whole public sector.

As a result of this new framework the authority was no longer required to report on existing Best Value Performance Indicators with effect from the 1st April 2008. This report highlighted current statutory BVPIs and suggested which of these indicators the authority should continue collecting and monitoring as part of a local performance framework during 2008/09.

Each of the proposed 198 indicators will be collected to a defined spatial level by a number of different organisations including Local Authorities, the Police and the Primary Care Trust and 35 of these indicators will be chosen as a priority and in future reported via the County Durham Local Area Agreement. 64 indicators within the new indicator set will be collected to a district level and these were detailed in Appendix 3 to the report.

In table A on pages 5 to 7 of the report the current BVPIs were set out together with suggestions where continued collection of indicators would assist in the monitoring and evaluation of locally delivered services in addition to contributing to nationally set targets.

Notes of Scrutiny Board – 7th March 2008 - *“Members viewed the report and there were no matters of concern. Members agreed that those local indicators on the list be retained to ensure some protection of performance at a District level and for the transitional process for Local Government”.*

Options: Whether or not to continue to collect current Best Value Performance Indicators after 1st April 2008 as there would be no longer a statutory duty to do so.

RESOLVED: That the recommendations to continue collecting Best Value Performance Indicators specified in Appendix 1 be continued after 1st April 2008.

Reasons:

1. As of 1st April 2008 the authority will no longer have a statutory duty to collect the current BVPIs due to the introduction of a new local National Indicator Set that will in future be reported at a County or Unitary level of local government via the Local Strategic Partnership.
2. During 2008/09 a number of the new indicators will continue to be collected at a district level and will therefore have to be included within the Council's current Performance Management Framework.

3. In addition to the collection of the new indicators the authority can continue collection of any relevant indicators, which contribute to the delivery of services across the district.
4. The current Performance Management Framework could facilitate the continued collection, monitoring and reporting of these additional local performance indicators throughout 2008/09 alongside the collection of the new district National Indicators.

72. COUNCIL PERFORMANCE – REVIEW OF PERFORMANCE THIRD QUARTER 2007/08

Councillor M. Malone presented the report which provided Members with an update on performance for the Best Value Performance Indicators for the third quarter of 2007/08. Appendix 1 detailed the performance for all indicators and was included for Members' information. The main text of the report concentrated upon areas where performance was a concern or where significant increases in performance had occurred. A detailed analysis of performance for all red risk indicators for the third quarter of 2007/08 was included in sections 3.6, 3.7 and 3.8. In addition significant falls or gains in performance for amber risk indicators were highlighted within sections 3.11 and 3.12 along with a short summary of performance for green rated indicators in section 3.14.

The following information was given on the performance of red, amber and green indicators

Red: Of 5 red risk indicators where performance for this quarter could be compared to that for the same period last year, two had demonstrated an improvement in performance. On a positive note sickness and absence levels were 14% lower than at the same period last year and the authority had prevented more homelessness cases than in 2006/07.

Amber – 56% of amber rated indicators had demonstrated an improvement in performance this quarter compared with 55% in Quarter 2.

An update was given with regard to concerns raised within the Q2 Performance Monitoring Report and it was noted that recycling rates had now started to improve as the backlog of stored materials had started to clear.

Green – 14 of the 15 green rated indicators that could be monitored quarterly had either continued to demonstrate an improvement in performance or retained their already high levels of performance within the top 2 quartiles nationally.

With regard to benchmarking and comparison with other local authorities nationally it was noted that based upon the 'All England' quartile data published by the Audit Commission in January of this year the authority had 36% of indicators performing in the top quartile, which was an increase in comparison to 2005/06 where 31% sat in this quartile. The number of indicators in the bottom quartile had also demonstrated an improvement with 18% of indicators sitting in this quartile compared to 20% in 2005/06.

As part of the Action Planning Framework all red risk rated indicators had now completed action plans for 2007/08 and all action plans for Quarters 2 and 3 have continued to be referred to the relevant Scrutiny Panels throughout the year.

Councillor Malone expressed his appreciation and thanks to Anne Smith, Performance Management Officer for her work and assistance with this report.

Councillor Watson commented that this was a good report and he was pleased with the improvement on street cleansing / recycling and he especially welcomed the progress on homelessness.

Notes of Scrutiny Board – 7th March 2008 - *“Members welcomed the report and the efforts being made to improve performance. The Chief Executive referred to the green waste service to be extended on the 1st April and to potential improvements in recycling rates as a consequence of this. He also indicated that it was anticipated that progress would continue with regards to homelessness activity”.*

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

Prior to consideration of the following Item Councillor A. Watson declared a prejudicial interest in relation to Item 6 on the agenda – North East of England Regional Spatial Strategy as he is Chairman of the North East Assembly. He left the Chamber and took no part in the discussion or decision made.

Councillor M. Malone in the Chair.

73. NORTH EAST OF ENGLAND REGIONAL SPATIAL STRATEGY : FURTHER PROPOSED CHANGES

Councillor O. Johnson presented the report which informed Members of the Further Proposed Changes to the North East Regional Spatial Strategy (RSS) published for public consultation by the Government Officer for the North East (GONE) on behalf of the Secretary of State on 6th February 2008. Responses

had been invited and the consultation period ends on 2nd April 2008. Following consideration of the responses to this consultation the final RSS is expected to be adopted in Summer 2008.

He commented that the housing allocation for County Durham has increased significantly with Derwentside's allocation rising from 3215 to 4590, and the Gypsy & Traveller provision which required local authorities to undertake an assessment of the housing needs of Gypsies, Travellers and Showpeople. He also highlighted changes to FPC110 Policy 39 (Sustainable Construction) by removing the requirement for major new development to have embedded within them a minimum of 10% of their energy supply from renewable resources. This had been changed to a requirement for 'an ambitious but viable percentage'. This would appear to significantly weaken the Policy and was surely contrary to the Government's own stated aim of using planning to tackle the causes of climate change, therefore Derwentside were proposing to object to FPC110.

Notes of Scrutiny Board – 7th March 2008 – *“Members noted that there was a reduced emphasis in the strategy on the major conurbations with improvements in relation to the position in County Durham and Derwentside. Members welcomed the increase in housing allocations for County Durham and Derwentside. Members supported the comments in relation to Policy 39. The Chief Executive welcomed the number of housing allocations for Derwentside. Questions were raised in relation to the impact of L.G.R. and the various allocations per district. It was noted that in the short-medium term Derwentside had already progressed sufficient applications to meet the number allocated to Derwentside.”*

Options: Whether to agree, amend or refuse to support the proposed response to the consultation by GONE on the Further Proposed Changes to the North East Regional Spatial Strategy.

RESOLVED:

1. Agreement be granted to submit comments to GONE supporting the Further Proposed Changes (FPC) 20, 32, 60, 61, 78 and 143 relating to housing allocations and employment sites as detailed in the report.
2. That objections be submitted to FPC83 and the inclusion of the gypsy and traveller pitch provision figures from the White Young Green Regional Assessment as it is an inadequate assessment of need.
3. That objections be submitted to FPC110 as a significant weakening of the Policy on Sustainable Construction.

Reasons:

1. The Further Proposed Changes to the Regional Spatial Strategy generally make the document more accommodating to the needs and aspirations of the residents of County Durham.
2. The one exception to the generally positive changes made to the RSS is the inclusion of the results of the White Young Green Regional Assessment in the section on Improving Inclusivity. Unfortunately the

- methodology used by the consultants was never likely to produce findings that were robust enough to accurately predict future needs for new gypsy and traveler pitches.
3. The changes to Policy 39 on Sustainable Construction are also disappointing and a step backwards in attempts to tackle climate change.

Councillor A. Watson returned to the meeting at this point and resumed the Chair.

**74. COUNTY DURHAM ECONOMIC STRATEGY (CDES) 2008 -2013:
'BUILDING OUR FUTURE'**

Councillor D. Llewellyn presented the report which sought endorsement of comments provided by Officers to the County Durham Economic Partnership on the draft County Durham Economic Strategy (CDES) 2008-2013.

The draft CDES was being developed by the County Durham Economic Partnership (CDEP) with a formal period of consultation ending on 7th March 2008. The Council is an active member of the CDEP which was created in 1994 and had the responsibility for leading and driving forward the delivery of the Strategy.

Councillor Watson raised the subject of Enterprise Place and that he wanted to ensure that this would continue in future. In response the Chief Executive advised that while Enterprise Place was not specifically mentioned in this report he emphasised that the comments made to CDEP must be explicit in that there was as need to review the CDEP and that there must be a de-emphasis on high level 'big flagship projects' and more consideration given to developing projects such as Enterprise Place and encouragement for entrepreneurs.

The Deputy Chief Executive commented that projects by agencies such as One NorthEast tended to detract from areas such as County Durham and the CDEP needed to focus specifically on projects within the County.

Notes of Scrutiny Board – 7th March 2008 –*“The Chief Executive advised that comments on the document would be forwarded later in the day and Executive would be endorsing such at the meeting on Monday. He advised that the comments needed to be strengthened to include more emphasis on local enterprise, aspirations and strong local growth as opposed to concentrating on Beacon `developments. He also pointed to the need for commentary in relation to the inspirational culture as it related to young people and the need to emphasise the importance of facilities like Enterprise Place. Members also agreed with the need for a review of the operation of the C.D.E.P. and its role in the future economy of the county.”*

Options: Whether to agree, amend or reject the comments outlined in the report.

RESOLVED: That the formal response already presented by Officers to the County Durham Economic Partnership be endorsed and it was confirmed that the comments made at the above Scrutiny Board meeting were incorporated into the response.

Reasons:

1. The need for a CDES was clear as was the role of Derwentside within a prosperous economy for County Durham. The comments provided to the CDEP were supportive of the need for a strategy that will lead to a transformation change in the economy of County Durham. A number of positive suggestions had been made that demonstrated that there was a bigger role for Derwentside to play than currently identified.
2. Officers and Members will continue to work with the CDEP to ensure that the CDES is robust and relevant to the needs of Derwentside residents and businesses.

75. EXCLUSION OF PRESS AND PUBLIC

ON THE MOTION OF COUNCILLOR M MALONE SECONDED BY COUNCILLOR D. LEWELLYN THAT UNDER SECTION 100(A) OF THE LOCAL GOVERNMENT ACT 1972, THE PRESS AND PUBLIC BE EXCLUDED FROM THE MEETING FOR THE FOLLOWING ITEMS OF BUSINESS ON THE GROUNDS THAT THEY INVOLVE THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 3 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED).

Prior to consideration of the following Item Councillor D. Lavin declared a personal interest in the following item when it was agreed that he be allowed to remain in the meeting.

76. SALE OF LAND AT SHIELD ROW LANE, NEW KYO

Councillor C. Marshall presented the report which sought direction from Members in relation to the disposal of an area of land at New Kyo. He further advised that there had been a slight delay in the feasibility study however, once this was received it would be available for Scrutiny to discuss.

Notes of Scrutiny Board – 7th March 2008 – “The Chief Executive, in referring to the report, advised that he would be advising Executive that paragraph 4.3 be amended which would broaden the geographic area in which any community

facility could be provided. *This was in line with earlier comments in the report. Councillor Marshall expressed concerns at comments from Ward Members in relation to the ability of the New Kyo Partnership to manage such a facility. Councillor Marshall advised that she had worked closely with Partnership members in the past and that in her opinion the Partnership were well placed/capable of managing such a facility.*”

Options:

1. Hold the matter in abeyance until the Feasibility Study is concluded and fully assessed.
2. Exclude the site identified for the Community Facility from the sale, progress housing land disposal and agree to put aside sum of £265,000 from capital receipt to support the delivery of improved Community Facilities once agreed.

RESOLVED:

1. The site identified for the Community Facility be excluded from the sale, with the remaining area being disposed of as detailed in the report.
2. The sum detailed in the report at paragraph 5.1.(ii) be set aside from the capital receipt, and
3. A further report be brought back to Executive on the investment of the sum set aside to support the delivery of improved Community Facilities in the area.

Reasons:

1. This enables officers to progress the disposal of the site.
2. This will reduce the time for receipt of a capital sum and make provision for a sum to be set aside for Community Facilities once proper consideration of the Feasibility Study had been undertaken.

77. CONSETT AND STANLEY MARKETS

Councillor Llewellyn presented the report which was to advise Members of the outcome of the tendering exercise undertaken in relation to the Consett and Stanley street markets.

Notes of Scrutiny Board – 7th March 2008 – *“Members welcomed the report.”*

Options:

1. To consider the tender received for Stanley Market.
2. To consider the tenders received for Consett Market.

RESOLVED:

1. That the tender received as detailed in the report at paragraph 5.1.i. be accepted for the Stanley market and that permission be granted to allow a Flea Market to operate on Fridays, subject to a three month trial.

2. That the tender received as detailed in the report at paragraph 5.2 be accepted for Consett Market.

Reasons: The evaluation of the tenders received indicated that these two tenders were the most favourable to the Council.

CONCLUSION OF MEETING

The meeting closed at 5:02 p.m.