



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **24 JULY 2012**.

The decisions will come into force and may be implemented from **3 August 2012** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

County Durham Policy Framework

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which presented a number of policy documents for approval that sought to outline and shape the approach for Regeneration and Economic Development in County Durham.

Through the refreshed Regeneration Statement and the County Durham Plan Preferred Options (and associated documents) the Council are restating the aim to *shape a County Durham where people want to live, work, invest and visit, whilst enabling our residents and businesses to achieve their potential.*

County Durham is continuing to face some key challenges in regards to regeneration. We have recognised that a stagnating national economy, an underperforming local economy, high numbers of unemployed, an ageing population and sweeping public sector cuts could all impact upon our aspirations as we move forward. Therefore, it is imperative for County Durham to take forward a coherent policy framework which builds on our key strengths and assets to boost economic growth and enable residents and businesses to take advantage of opportunities in Durham, the region, the nation and the world.

Decision

The Cabinet agreed the accompanying reports and documents as follows:-

- **County Durham Regeneration Statement Covering Report**
 - County Durham Regeneration Statement 2012
- **The County Durham Plan Preferred Options and Supporting Documents Covering Report**
 - County Durham Plan Preferred Options
 - Five Supplementary Planning Documents
 - Local Development Scheme

- Statement of Community Involvement
- **County Durham Infrastructure Delivery Plan and Community Infrastructure Levy Draft Charging Schedule Covering Report**
 - Infrastructure Delivery Plan
 - CIL Rationale and Preliminary Charging Schedule

County Durham Regeneration Statement

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which presented for consideration and endorsement the refreshed County Durham Regeneration Statement.

In the spring and summer of 2009 following Local Government Reorganisation, a partnership orientated vision and ambition for County Durham was presented. The development of the County Durham Regeneration Statement set the framework for policy and delivery across the County. It further underpinned the Sustainable Communities Strategy for County Durham and in particular supports our vision for an 'Altogether Wealthier' Durham.

The refreshed County Durham Regeneration Statement outlines the County Durham Economic Partnership's approach to make County Durham a better place to live, work, invest and visit, specifying the spatial, social and economic priorities over the coming years whilst recognising the tough economic climate that still exists.

As outlined in the draft refreshed Statement through a partnership approach, the council will:

- Lift constraints on development and stimulate investment in the economic infrastructure needed to increase economic activity and wealth
- Capitalise on Durham City's business and tourism potential to drive forward economic growth for County Durham
- Invest in our major towns, continuing with our 'Whole Town' approach
- Drive forward the delivery of new homes with the right mix of services to support our growth aspirations.
- Improve the range of choice and standard of existing public and private housing
- Invest in our human capital as a direct contributor to growth
- Address the needs of our most vulnerable residents, mitigating the impact of welfare reform

The CDEP fully adopted the Regeneration Statement that was prepared in 2009 and the refreshed version has been prepared with partners and consultation has been ongoing for the last few months. The final version of the Statement will be presented to the CDEP Board in July 2012 for endorsement following Cabinet approval.

Decision

The Cabinet endorsed the refreshed Regeneration Statement.

The County Durham Plan Preferred Options (including supporting documents) Key Decision R&ED/09/12

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which sought approval to consult on the Preferred Options, the latest stage in preparing the County Durham Plan, the new Local Plan for County Durham and key means of delivering the Regeneration Statement. It further sought approval to consult on a number of Supplementary Planning Documents that accompany the Plan.

The report further informed Cabinet on two revised planning documents; the Local development Scheme (LDS) and the Statement of Community Involvement (SCI).

All Local Planning Authorities have a statutory requirement to prepare and maintain an up to date development plan for their area. The Plan is being prepared at a time of great change, the Localism Act has introduced a number of important reforms to the planning system and the National Planning Policy Framework (NPPF) is streamlined framework replacing the previous policy guidance.

In response to those changes the work which had already been undertaken on the Core Strategy had been converted into a much broader Local Plan. The LDS is the project plan that sets out the timescale for the production of the County Durham Plan. The LDS was approved by Cabinet in April 2010 and has now been revised to reflect the new timescales alongside the SCI which has been revised to reflect recent legislative changes and to incorporate guidance relating to Neighbourhood Planning.

The Preferred Options is the fourth and perhaps, the most significant stage in the development of the County Durham Plan. It is the document where the Council, for the first time, identifies the scope and content of the preferred Plan in detail and is the key consultation stage before the Plan is submitted to the Secretary of State for approval. As with all previous stages the comments received during consultation will inform the next stage of plan preparation.

The Preferred Options report which is the latest stage in helping to develop the Local Plan will be widely circulated for public consultation from September 10th until 2nd November 2012. Members will also continue to be involved in the development of the Plan through member briefings and the County Durham Plan Member Steering Group.

Decision

The Cabinet:-

- i. Agreed the County Durham Plan Preferred Options for consultation from September 10th to 2nd November 2012;

- ii. Agreed the five Supplementary Planning Documents named in the report for consultation from September 10th to 2nd November 2012;
- iii. Agreed the Local Development Scheme;
- iv. Agreed the Statement of Community Involvement; and
- v. Agreed delegated powers for the Director of Regeneration and Economic Development in consultation with the Portfolio Holder for Regeneration and Economic Development to approve minor modifications to the Plan.

County Durham Infrastructure Delivery Plan and Community Infrastructure Levy Draft Charging Schedule. Key Decision R&ED/10/12

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which sought approval for the Council's Infrastructure Delivery Plan (IDP) and the Community Infrastructure Levy (CIL) Draft Charging Schedule for consultation alongside the County Durham Plan from September 10th to November 2nd 2012.

The types of infrastructure included in the IDP include:

- Physical infrastructure such as highway improvements, sewage treatment works or broadband;
- Social infrastructure such as schools, medical, doctor's surgeries or community buildings; and
- Green Infrastructure such as play areas, public open space or rights of way

The IDP identifies existing and future infrastructure deficiencies that need to be addressed if the County Durham Plan's vision for growth is to be achieved. It also shows how, when and where the Council and its partners will address these deficiencies. The IDP is based on the most up to date information (as at spring 2012), including committed sources of funding from internal and external partners, in a financial schedule which reflects continuous dialogue between the Council's Planning and Assets Service and infrastructure providers. The financial schedule will be reviewed when required to reflect changing economic circumstances and priorities.

The partnerships and relationships that have been formed during the preparation of the IDP ensure it is as accurate as possible and mean the ambitions and site allocations included in the County Durham Plan influence partner's future investment programmes.

As the IDP identifies a gap between the actual planned investment in infrastructure and the total amount of needed to deliver the County Durham Plan this justifies the introduction of a Community Infrastructure Levy.

The CIL Regulations came into force on the 6th May 2010 and give local authorities the option of charging a levy on new development. The CIL ensures that most new

development makes a proportionate and reasonable financial contribution to delivering the infrastructure identified in the IDP

It should be noted that the CIL is not a direct replacement for Section 106 Agreements. Section 106 will continue to be used for site specific infrastructure, such as access roads and for securing affordable housing and funding for targeted recruitment training.

The final Charging Schedule will be reported to Cabinet in June 2013 and will be followed by publication and a final round of public consultation. A Public Examination will then follow in spring 2014 and finally adoption in summer 2014.

Before the Charging Schedule is adopted governance arrangements will need to be put in place to collect and spend the CIL. These arrangements must ensure that all areas of the County have the opportunity to receive the infrastructure they need.

Decision

The Cabinet agreed the Infrastructure Delivery Plan and CIL Draft Charging Schedule for consultation from September 10th to 2nd November 2012.

Local HealthWatch Transition Plan including NHS Complaints Advocacy Service.

Key Decision AWH 03/12

Summary

The Cabinet received a report of the Corporate Director of Adults, Wellbeing and Health which set out of the proposed procurement process for Local HealthWatch along with providing an update on the progress made with HealthWatch Transition Plan; and set out proposals for the commissioning of an NHS Complaints Advocacy Service.

The Government are committed to strengthening the collective voice of patients, users of health and social care services and the public, ensuring that voice is no longer lost in the system. One of the main ways of achieving this will be through the HealthWatch arrangements which will continue to build on the work of Local Involvement Networks (LINKs). The arrangements for HealthWatch England and Local HealthWatch were part of the Health and Social Care Bill which received Royal Assent on 27 March 2012.

As part of the Health and Social Care Act, local authorities must also commission NHS complaints advocacy from any suitable provider (including Local HealthWatch) from 1 April 2013.

A model for Local HealthWatch was produced following a robust consultation/engagement process involving stakeholders, members of the public and the LINK. In addition equality impact assessments were in place and would be updated at key points of the transition process. A full impact assessment would be undertaken closer to the implementation date in line with the governance timetable.

A full project plan had been put in place and a full procurement process would be undertaken in September 2012.

It is likely that NHS Complaints Advocacy will be commissioned by a regional collaboration lead by Gateshead.

Decision

The Cabinet:-

- (i) Agreed to a procurement process for Local HealthWatch under Part A of the Public Contracts Regulations 2006
- (ii) Noted progress to date.
- (iii) Noted the position regarding the commissioning of an NHS Complaints Advocacy Service.
- (iv) Noted the timescales as set out in Appendix 2 of the report.

Community Buildings: Communal Rooms **Key Decision CORP/A/05/11/3**

Summary

The Cabinet considered a report of the Assistant Chief Executive which sought approval for delegated authority to the Assistant Chief Executive to pursue negotiations with local housing providers regarding the future of 55 Council owned and managed community buildings (communal rooms), which are strongly associated with neighbourhood housing.

On the 29th February, 2012, Members agreed a strategy for the future approach for Council owned community buildings. As highlighted in that report, the Council owns (or is a trustee of) 120 community buildings and the overall approach agreed by Cabinet was to provide the opportunity for the buildings to be asset transferred to local management committees on the basis of a full repairing and insuring lease for a minimum of 25 – 30 years.

When making this decision, Cabinet also agreed that discussions should continue with relevant social housing providers to establish if it would be appropriate to reach an alternative approach for the future management of the 55 communal rooms that make up a significant part of the 120 community buildings owned by the Council. Of these 55 buildings, at the time of reporting to Cabinet, 41 were operating as community facilities as 14 were closed and were no longer in use by the local community.

The further discussions with housing providers held since agreement of the Community Buildings Strategy in February 2012 has resulted in the likelihood of a tangible offer that would create some continuity for more buildings than were originally prioritised for investment from the limited capital resources available to the Council. Whereas the report in February prioritised five buildings for investment, the approach set out in this report would secure investment for 27 properties and critically, also ensure ongoing day to day support is provided to ensure the buildings continue to be used. However, this offer is made on the basis that if current usage

drops off significantly (i.e. by more than 20% of the usage recorded during consultation), the housing providers would like the opportunity to convert or demolish the building to provide living accommodation or find an alternative use for the property.

Whilst the report sets out the overall approach proposed by the housing providers, it is acknowledged that the detail of the offer will need to be negotiated over the coming months. However, to provide some clarity for the service users, housing providers and residents living in close proximity to these buildings, it is proposed the Assistant Chief Executive is given the delegated authority to progress these proposals.

Decision

The Cabinet agreed that the Assistant Chief Executive carry out further discussions with local housing providers to implement the proposals set out in this report in consultation with the relevant portfolio holders.

Review of Fixed Play Provision Key Decision NS/14/11

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services which proposed an approach to reviewing fixed play provision access across the County. The report further set out a basis for considering the future distribution of fixed play resources in the short, medium and long term, and proposes a range of consultation measures in progressing this work.

The Council is currently responsible for 174 of the 299 play sites in the County and has recently invested over £1m in play via the 'Playbuilder Programme'. A strategic approach to the management and development of Durham's existing and future sites is fundamental in achieving the delivery of the Sport & Leisure Strategy together with ensuring these resources are best used and access optimised.

There are a number of relevant and material considerations in undertaking a review of fixed play provision. These form the basis or criteria that is proposed to be used to assess future provision.

- i. The Strategic context and priorities of the County with regards to Sport and Leisure.
- ii. Service access issues; including the service offer and distribution.
- iii. Supply and Demand for facilities (core offer).
- iv. The financial pressures facing the Council

Developing an approach to fixed play sites that attempts to provide an equal offer from such a variable starting position is challenging. Play is an issue that is sensitive in most communities and regarded as a high priority for many. It is, therefore, important that we consult fully on the basis upon which any future provision may be premised.

Durham County Council must also be able to sustain this offer and it is therefore necessary to set agreed levels of future provision in conjunction with the community.

In recognising that it will take time to undertake a comprehensive consultation process, measures to allow existing funded projects to progress are proposed.

In order to take this work forward it is important that a comprehensive consultation process is undertaken and the outcome reported back so as future levels of provision may be finalised.

Decision

The Cabinet:-

- (i) Agreed that the Council shall consult on the approach to determining future fixed play provision as set out in the report.
- (ii) Agreed the process outlined in section 42 to 45 of the report to allow existing projects to proceed.
- (iii) Agreed that a further report setting out the results of the consultation and transition plans are presented to a future meeting of Cabinet.

Durham City Business Improvement District

Summary

The Cabinet considered a joint report of the Corporate Director of Regeneration and Economic Development, and Corporate Director, Resources which provided an update on the proposal to establish a Business Improvement District (BID) for Durham City Centre, which has been led by businesses in the city.

The County Council has a role in helping to support a successful BID for Durham City both at a strategic and operational level. To achieve the Thriving Durham City priority in the Regeneration Statement, joint working with the businesses located within the city centre is essential and supporting the progression of the Durham City BID is considered to be an excellent way to deliver on this aspiration.

Should the ballot be supported by businesses within the City, the County Council would face an increase in its own business rates costs, which it is recommended would be met by service groupings. To achieve this ambition, businesses and agencies need to work together to bring investment to the city, to enhance the environment and to ultimately attract more shoppers, visitors and businesses. The Durham City BID presents an excellent opportunity to deliver a key element of this proposal.

Decision

The Cabinet:-

- (a) Noted that the Business Plan would be agreed by the BID Task Group, which includes two officers from Durham County Council, and that in the event of ongoing consultation with businesses in the lead up to the ballot in October, changes to the business plan may be necessary.
- (b) In supporting the BID proposal, agreed that the Council will vote 'YES' in the BID ballot in respect of each of the Council's eligible rateable hereditaments in the BID area listed in Appendix 2 of the report.
- (c) Agreed to delegate the Corporate Director for Regeneration and Economic Development as the nominated person to cast the vote in respect of the above mentioned 15 eligible hereditaments in the BID boundary area in consultation with the Portfolio Holder for Regeneration and Economic Development.
- (d) Agreed to assist the BID Company with cash flow until the levies are collected.
- (e) In the event of a successful vote, approved the Council having legal responsibility for the collection and enforcement of the BID Levy. These responsibilities will be set out in an Operating Agreement between the BID Company and the Council, to be agreed by the end of July 2012.
- (f) In the event of a successful vote, delegated to the Director of Regeneration and Economic Development, and the Corporate Director of Resources in consultation with the Portfolio Holder for Regeneration and Economic Regeneration, the power to approve and sign the Operating Agreement with the City Centre BID Company.

County Durham Partnership Update report

Summary

The Cabinet considered a report of the Assistant Chief Executive which provided an update on the issues being addressed by the County Durham Partnership (CDP) Board, the five Thematic partnerships and all Area Action Partnerships (AAPs). The report further provided updates on other key initiatives being carried out in partnership across the County.

Progress has been made on the 14 specific recommendations arising out of the recent Scrutiny Review of AAPs, presented to Cabinet in September, 2011. In order to review the AAPs, the Overview and Scrutiny Management Board (OSMB) established a cross-party Working Group to examine practices and processes to establish:

- the difference that they have made;
- areas for further improvement;
- the potential for further refinements, in light of a changing policy and partner environment.

The Scrutiny Summary Review Report presented the key findings in relation to these topics and identified a number of conclusions and recommendations that aimed to improve AAPs and provide an evidence base to ensure that they remain “Fit for purpose, Fit for the Future.”

A summary of these 14 recommendations is contained in the report as Appendix 3, and a summary of the work packages are set out in an Action Plan at Appendix 4.

The scope of the work for each working group is based on the review findings, the action plan and the subsequent action time line reflects the priority attached to each recommendation. Members will note that as highlighted in Appendix 4, progress has been made in a number of the recommendations, with priority being given to addressing the recommendations regarding improving the performance management for locality budgets.

For a number of the outstanding actions, to ensure an inclusive approach is adopted, it is proposed to involve AAP Board Members in this work. This approach worked well through the Scrutiny Review process and will assist in gaining feedback from Board Members about how the recommendations are embedded into regular AAP work.

Board Members from across the County will be given the opportunity to feed into a Board Member Sounding Board that will be brought together for activity of certain working groups. This will ensure that before the work is finalised and signed off, Board members have had an opportunity to comment and influence. It is proposed that this will be done for recommendations; 1 – Terms of Reference, 8 – Media Engagement, 10 and 11 – Performance Management and 12 – Sharing of Best Practice.

Given the nature of AAPs and the need to respond to issues as they arise, this has resulted in a number of recommendations being concluded already. These are detailed further in the AAP Action Plan – Appendix 4.

In addition to completing implementation on the recommendation, significant progress has been made to improve the performance monitoring associated with the locality budgets associated with AAPs (i.e. Neighbourhood and Area Budgets). These changes were set out in a Members' Seminar in May and included the adopting of a common set of project outputs and programme of project monitoring visits. The next key phase of implementing the scrutiny report will be to focus on amending the Terms of Reference in order that the changes are in place for the review of AAP public member representatives from 2013/14 onwards.

Decision

The Cabinet:-

- (i) Noted the content of the report and review the recommendations of the AAP review put forward by the Overview and Scrutiny Management Board (contained in Appendix 3 of the report)
- (ii) Agreed to the approach adopted as detailed in the Recommendations Action Plan at Appendix 4 of the report.

Commissioning a 2013 Lumiere Festival

Summary

The Cabinet considered a joint report of the Corporate Director, Adults, Wellbeing and Health, and Corporate Director Regeneration and Economic Development which further information on the evaluation of the 2011 Lumiere programme. It outlines some of the outcomes from a range of discussions and concludes that there is support and enthusiasm for commissioning a 2013 Lumiere Festival amongst a cross section of individuals and organisations.

On 18th April 2012 Cabinet considered a detailed evaluation report on the 2011 Lumiere Festival which had been produced by Miller Research Evaluation Consultation, an independent organisation with a proven track record who have evaluated other Durham festivals. The report concluded that the festival had been a considerable success. It particularly highlighted: the significant beneficial economic impact; the substantial value of media coverage and the high profile enjoyed by Durham as a consequence; the high satisfaction amongst people who had filled in questionnaires; and the considerable return on investment for the Council. Some of the main findings were:

- 82% of respondents to surveys undertaken by Miller were extremely positive about the festival
- The value of media cover generated was worth £2,250,000 and the festival received positive coverage as far away as Vietnam and Australia
- The total economic impact was £4,333,628
- The County Council's return on investment was 983%

As well as accepting the report Cabinet agreed a number of steps aimed at publicising and debating the evaluation.

Decision

The Cabinet:-

- (i) Agreed to re-commission Artichoke to plan and programme a Lumiere festival, in consultation with relevant stakeholders.
- (ii) Agreed to make a contractual contribution to Artichoke, at the same level as that made in 2011, in return for their work.
- (iii) Agreed to delegate the finalisation of the terms of the contract to the Corporate Director of Neighbourhood services in consultation with the Portfolio Holder for Regeneration, Economic Development, Heritage and Culture.

Colette Longbottom
Head of Legal and Democratic Services
26 July 2012