



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **WEDNESDAY 11 SEPTEMBER 2013**.

The decisions will come into force and may be implemented from **MONDAY 23 SEPTEMBER 2013** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Review of School Crossing Patrol Service [Key Decision: NS/20/13] [MTFP Ref:NS11]

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services summarising a review of the School Crossing Patrol Service. The report recommended the removal of lunchtime provision where it is known that children no longer use the crossing facilities during the lunchtime period. The report also recommended that the existing School Crossing Patrol policy be retained.

An amendment to the Road Traffic Regulation Act 1984 came into force on 30 January 2001 and this allows School Crossing Patrols to operate 'at such times as the Authority thinks fit'. Therefore, School Crossing Patrols may now work outside the hours of 8.00 am and 5.30 pm and can stop traffic to help anyone (child or adult) to cross the road. The School Crossing Patrol service is a discretionary function rather than a statutory duty and therefore councils do not have an obligation to provide this service. Although the service is discretionary, there is a national standard for provision and this is set out in the School Crossing Patrol Service-Guidelines: revised June 2011. Durham's policy sets the local threshold for providing School Crossing Patrols at half that recommended nationally. School Crossing Patrol provision is therefore well above the national recommended level and this would be unchanged if lunchtime provision is removed in the manner recommended in the report.

In 2008 when this policy was last reviewed, children were allowed to leave the school premises during a lunchtime period and therefore a lunchtime School Crossing Patrol service was required. However, this is no longer the case at the majority of schools. An analysis of activity at lunchtime has shown that very few or no primary school children leave the school premises at lunchtime. However there are six sites that operate close to secondary schools where children do leave the school premises during the lunchtime period. The report proposes that lunchtime provision is removed at the sixty sites where very few or no children leave the school premises during a lunchtime period. The service will be retained at those six schools where children are known to leave the school premises during a lunchtime period and therefore there is no risk to the safety of children. The remainder of the existing policy will be retained.

Specific consultation will take place with each of the schools affected by the removal of lunchtime provision and they will be given the opportunity to self-fund the service if they wish to retain it.

The medium term financial plan forecast requires the Council to deliver total savings of £188m in the six year period 2011/12 to 2016/17 and these are estimated to exceed £200m by 2017/18. The proposal to remove School Crossing Patrol lunchtime provision will achieve annual revenue saving of £163,986 without having any impact on service users. This will contribute towards this saving target.

In order to ensure that all affected employees and Trade Unions are fully engaged in this restructure exercise the consultation process will follow the guidance laid down in the Council's Change Management protocols.

Decision

The Cabinet agreed to:

- Commence a consultation on the proposed changes
- Delegate to the Corporate Director of Neighbourhood Services the consideration of the outcome of that consultation and, taking it into account, the decision whether to make any changes, such decision to be taken in consultation with the Portfolio Holder for Neighbourhoods and Local Partnerships

Proposal to change the age range of Ouston Junior School from 7-11 to 4-11 from 1 January 2014 to create a Primary School and to close Ouston Infant School from 31 December 2013 [Key Decision: CAS/02/13]

Summary

Cabinet considered a report of the Corporate Director, Children and Adults Services which sought approval to change the age range of Ouston Junior School from 7-11 to 4-11 from 1 January 2014, to create a Primary School and to close Ouston Infant School from 31 December 2013.

Governors of Ouston Infant and Junior Schools and officers of the Local Authority agreed that the best way to ensure a stronger and more viable establishment and to preserve primary education in Ouston was to consult on a proposal to amalgamate Ouston Infant and Junior Schools into one Primary School.

Consultation on the proposal to change the age range of Ouston Junior School and to close Ouston Infant School was undertaken for six weeks between 4 February 2013 and 15 March 2013. After the County Council considered the views of those who responded to the consultation, a decision was taken on 3 June 2013 to proceed to the next stage in the statutory process which was to issue a Public Notice, proposing to change the age range of Ouston Junior School from 1 January 2014 to create a Primary School and to close Ouston Infant School from 31 December 2013. The Public Notice was issued on 13 June 2013 for 6 weeks.

It was clear from the consultation that traffic congestion at the junior building is a major concern. Following the concerns raised, officers of the County Council visited the schools to determine the volume of traffic. To address the issues raised concerning the traffic congestion the County Council is working closely with the two schools to develop a strategy to reduce the number of children taken to and from school by car. Officers will continue working with the school to plan the implementation of the solutions to the perceived increased traffic congestion. This will include providing support and advice to enable the school to produce an effective School Travel Plan.

In the most recent school inspections, Ofsted judged both Ouston Infant and Ouston Junior Schools as 'good'. In light of the current 'good' standard of education provided at the school, officers believe that the proposal to change the age range of Ouston Junior School to create a Primary School, and to close Ouston Infant School will not have a detrimental effect on standards and school improvement. Pupils with Special Educational Needs will continue to have their needs met at the proposed Primary School. The proposed Primary School will be on the site of the current Ouston Junior School.

In the region of £850,000 capital funding has been allocated and approved by Elected Members of the County Council to remodel the junior building to make it large enough to accommodate pupils transferring from Ouston Infant School and pupils accessing the early years provision currently at the Infant School. The cost of this work will be met from the Department for Education (DfE) grant funding which has been allocated to the Local Authority.

Decision

The Cabinet agreed to:

- Extend the age range of Ouston Junior School from 7-11 to 4-11 from 1 January 2014 to create a Primary School
- Close Ouston Infant School from 31 December 2013

Welfare Reform Update and Review of Local Council Tax Support Scheme [Key Decision: CORP/R/13/03]

Summary

Cabinet considered a joint report of the Assistant Chief Executive, Corporate Director, Resources and Corporate Director, Regeneration and Economic Development updating on recent policy developments relating to the government's welfare reforms, the council's response and the expected impact on the county. The report also considered a review of the council's Local Council Tax Support Scheme and the requirement to agree the council's approach to Local Council Tax Support for 2014/15 as well as an early operational review of the Welfare Assistance Scheme and the Discretionary Housing Payments policy, which have been in place since 1 April 2013.

The government brought forward the Welfare Reform Act 2012 to implement its commitment to “simplify the benefits system, make it fairer and to encourage people into work”. The scale of reform is significant and involves over 40 changes. The Department for Work and Pensions (DWP) is continuing to add detail to the operational implementation of its initial policy reforms and the more recent cap on the future uprating of benefits, as announced in the Chancellor’s Autumn Statement. Since the last report to Members in March 2013, policy announcements relating to the following have been made:

- Universal Credit pilots, pathfinders and roll-out;
- Benefit Cap roll-out;
- Personal Independence Payment toolkit and medical assessments;
- Employment Support Allowance;
- Discretionary Housing Payment guidance and changes to Housing Benefit reductions for specific groups;
- Welfare reform support services;
- Disability Living Allowance claims and Court of Appeal judgements;
- Social Fund loans budget allocations and guidance on discretionary payments;
- Armed Forces and Reserve Forces Compensation Scheme;
- The government’s response to the Communities and Local Government Select Committee report on the implementation of welfare reform by local authorities;
- Work and Pensions Select Committee review of progress with the implementation of Universal Credit;
- Food banks;
- Spending review.

Whilst the government did not undertake a comprehensive impact assessment of its welfare reform programme, a number of studies and assessments of the impacts are now being published. In terms of absolute losses, the researchers estimate that the County Durham economy stands to lose £188 million per year because of the welfare changes. This is equivalent to £565 per working age adult, slightly more than the regional average loss of £560 per working age adult and significantly more than the average loss of £470 per working age adult for Great Britain as a whole. Given the nature of the reforms and their impact on the county, the council continues to monitor and respond to the implementation of the government’s welfare changes.

At its meeting on 19 December 2012, Cabinet agreed a new Welfare Assistance Scheme to fill the gap left by the withdrawal of the Social Fund. In addition, on 13 March 2013, Cabinet agreed a revised Discretionary Housing Payments policy for the council, operating from 1 April 2013 to coincide with the introduction of wider welfare reforms including the social sector size criteria (otherwise known as the 'bedroom tax').

Both schemes have been successfully introduced and officers are closely monitoring the uptake and feedback to identify if either needs to be revised in order to support those affected by the changes.

In addition, in January 2013, the council agreed a new Council Tax Support Scheme to replace the national Council Tax Benefit scheme, abolished in April 2013. An initial review of the scheme has been carried out; however, in terms of learning from other councils, there is a lack of meaningful data available at this stage on the impact of charging working age benefit claimants for the first time to inform a complete review of the scheme. This position is to be kept under review.

Based on MTFP planning for 2014/15, the council could continue with its current scheme for a further year. This will allow a more comprehensive review to be undertaken in early 2014/15 when more comparative data will be available before recommending options to Cabinet on what the council may wish to do from April 2015 and consulting on this during the summer/autumn of 2014.

Decision

The Cabinet agreed to:

- Note the contents of this report and further developments in government welfare reform;
- Note the latest analyses of impact on the county;
- Note the progress with the new Welfare Assistance Fund scheme introduced in April 2013, the amendments to the scheme made under delegated powers and to allow further changes where necessary to be made under these delegated powers by the Assistant Chief Executive and Corporate Director Resources in consultation with the Leader and Deputy Leader of the Council;
- Note the progress with the revised approach to Discretionary Housing Payments, implemented from April 2013, the amendments to the scheme made under delegated powers and to allow further changes where necessary to be made under these delegated powers by the Assistant Chief Executive and Corporate Director Resources in consultation with the Leader and Deputy Leader of the Council;
- Note the review of the Local Council Tax Support Scheme and recommend to Council that the current scheme be extended for a further year for 2014/15 with a full review in early 2014/15 to inform our approach from April 2015;

- Confirm that the Council Tax Support Grant currently passported to the town and parish councils be reduced in line with the reductions made in the overall funding available to the Council.

Quarter 1 2013/14 - Performance Management Report

Summary

Cabinet considered a report of the Assistant Chief Executive which presented progress against the Council's corporate basket of performance indicators and reported other significant performance issues for the first quarter of 2013/14.

Decision

The Cabinet:

1. Noted the performance of the council at quarter 1 and the actions to remedy under performance
2. Agreed revised changes to performance indicator targets outlined below:
 - Affordable homes - Since the original target of 255 was set, a number of programmes aiming to deliver affordable homes have been confirmed. The revised target of 350 affordable is more realistic.
 - East Durham Homes rent arrears - Since the original target of 2.80% was submitted, further analysis has been undertaken to map the likely number of tenants who will be impacted by welfare reform and in particular the likely scale of possible tenant rent arrears. The revised target of 3% is considered to be a more realistic figure.
 - Street cleansing (litter) – The previous two years have seen several bouts of severe weather, both winter and flooding. This weather has impacted on the street cleansing regime, not only due to resources being diverted to minimise the impact of these weather events but also due to litter accumulating beneath snow and ice. As a result of past conditions, it is considered the target of 5% of land that falls below an acceptable level be revised to 7% which is a more realistic level of improvement
3. Agreed all changes to the Council Plan outlined below:

Altogether Wealthier

- i. Delivery of Durham City regeneration schemes: Aykley Heads (a mixed use development for employment) - site allocated upon adoption of the County Durham Plan - July 2014. Revised date: December 2014
- ii. Development of the County Durham Plan 2014 including:
 - Completion of statement of consultation for preferred options - May 2013. Revised date: September 2013
 - Consultation on preferred options - October 2013. Revised date: November 2013.

- Preparation for examination in public, including mock examination and pre-enquiry meeting - April 2014. Revised date: June 2014.
 - Full Council adoption - July 2014. Revised date: December 2014.
- iii. Complete regeneration frameworks for the key towns of:
- Peterlee - September 2013. Revised date: October 2013.
 - Shildon - June 2013. Revised date: October 2013.
 - Newton Aycliffe - September 2013. Revised date: October 2013.
 - Spennymoor - June 2013. Revised date: September 2013.
- iv. Delivery of Durham City Regeneration Schemes including; North Road (major regeneration, gateway to the City) – September 2013. Revised date: January 2014.
- v. Identify opportunities to enhance work programme delivery within County Durham through working with specialist providers - March 2014. Revised date: March 2016
- vi. Pursue the preferred option for the future of council housing across County Durham - November 2014. Revised date: March 2015.

Altogether Better for Children and Young People

- vii. Review and revise assessment processes in line with Munro recommendations by June 2013. Revised date - January 2014.

Altogether Better Council

- viii. Improve understanding of customer and population needs: sub-county analysis of performance and population needs - June 2013. Revised date December 2013.

Altogether Greener

- ix. Delivery of the Limestone Landscapes Heritage Lottery Fund programme, which includes the consolidation of Hawthorn Hythe Lime Kiln and Field training for staff and volunteers - November 2013. Revised date: September 2014

Deleted Actions

Altogether Greener

- x. Develop an approach to providing fuel efficient pool vehicles at major depots to manage and reduce business mileage.

Amended Actions

Altogether Wealthier

- xi. Work with the welfare to work programme contractors to co-ordinate employability support delivered by partner agencies for County Durham residents with a focus on 18-24 year olds, including identifying opportunities to enhance work programme delivery within County Durham through working with specialist providers - March 2014 (new wording).
- xii. Work with employers to co-ordinate skills development to ensure appropriate alignment to future employment opportunities. Some key projects will include:
 - Develop sector specific Pre-Employment Training (PET) to prepare clients for employment and meet employers' needs and requirements - March 2014. (new wording)
 - Seek opportunities for funding and work with employers to develop and deliver sector specific qualifications within the workplace – March 2014 (new wording)

Forecast of Revenue and Capital Outturn 2013/14 for General Fund and Housing Revenue Account – Period to 30 June 2013 and Medium Term Financial Plan 4 Update

Summary

The Cabinet considered a forecast of 2013/14 revenue and capital outturn for the period to 30 June 2013 for the Council's General Fund and Housing Revenue Account and provided an update on the Medium Term Financial Plan 2014/15 to 2016/17.

This report is the first indication of the revenue and capital outturn for 2013/14 based on actual expenditure and known commitments as at 30 June 2013. The report also provides an update of MTFP 4 following the report to Cabinet on 17 July 2013. Since then we have done a full analysis upon the Government's 26 June 2013 Spending Round for 2015/16 and their subsequent consultation document on the Local Government Finance Settlement for 2014/15 and 2015/16 published on 25 July 2013.

The Government Spending Round proposed a 10% reduction in Local Government funding for 2015/16 together with a wide range of additional funding streams to 'balance' this 10% core funding reduction; plus an additional £3.8bn of funding to be made available nationally to enable Local Government and the National Health Service (NHS) to pool budgets in the future was also announced.

The forecast reductions would result in a £13.5m reduction in funding for the Council. It was apparent from the Spending Round however, that NHS funding presently received by the council would continue in 2015/16. This enabled our previously forecasted loss of funding of £7.1m to be withdrawn from the MTFP model.

Overall, the additional pressure in 2015/16 resulting from the Spending Round is therefore now forecasted to be £6.4m. Information contained in the Spending Round has also meant a forecasted deterioration in the funding position of £8m for 2016/17.

Having regard to the Local Government Finance Settlement consultation document for 2014/15 and 2015/16, this includes proposed allocations of Revenue Support Grant (RSG) for all local authorities with an average reduction across the country for 2015/16 of 13.1%. After taking into account forecast inflation of 1.8% this is therefore an average 'real terms' reduction of 14.9% for all local authorities compared to the Government's quoted level of "10%". The information received from the DCLG at this stage is that the majority of the additional funding streams for local authorities announced in the Spending Round, to 'balance' this quoted "10% reduction" in core funding, are to be top sliced from Revenue Support Grant.

The impact of these forecasted changes in grant will mean that the total savings that the Council will have had to make across the 2011 – 2017 period will exceed £220m with the savings target shortfall for 2015/16 and 2016/17 now being circa £77m.

Also, in line with previous years' funding reductions, since the Government's first emergency budget in June 2010, the Council along with all other councils with high levels of deprivation, is to receive a higher reduction in RSG than the national average. For the Council, the 'real terms' reduction in 2015/16 is to be 16.4% compared to the national average of 14.9% which amounts to £16.4m in cash terms.

The Leader of the Council has written a personal letter to the Secretary of State for Communities and Local Government explaining the Council's concerns about the proposed grant settlement for 2014/15 and 2015/16. The Council is in discussion with the Local Government Association, the Special Interest Group of Metropolitan Authorities (SIGOMA) and the Association of North East Councils (ANEC) to formulate a very strong consolidated response to the government's consultation. A briefing will also be proposed for local Members of Parliament.

2013/14 Revenue Forecast

The following adjustments have been made to the Original Budget:

- (i) agreed budget transfers between Service Groupings in the first quarter of 2013/14;
- (ii) additions to budget for items outside the cash limits within any service groupings (for Cabinet approval);
- (iii) planned use of or contribution to Earmarked Reserves within any service groupings (see Appendix 4 of the report).

Capital

The General Fund (GF) capital budget for 2013/14 was set at £159.462m and was approved by Council on 20 February 2013. Re-profiling from the 2012/13 capital programme into 2013/14, amounting to £27.94m, was reported to Cabinet on 17 July 2013.

The Housing Revenue Account (HRA) budget was set at £49.271m with re-profiling of £0.958m from 2012/13 to 2013/14.

The Capital Member Officer Working Group (MOWG) has since reviewed the capital programme and taken into account further developments and analysis of changes and demands on resources.

Decision

The Cabinet:

1. Noted the revised MTFP 4 position
2. Noted the projected change in the Council's overall financial position for 2013/14.
3. Agreed the proposed 'sums outside the cash limit' for approval.
4. Agreed the revenue and capital budget adjustments.
5. Noted the forecast use of Earmarked Reserves.
6. Noted the forecast end of year position for the Cash Limit underspend reserves.
7. Noted the position for the Housing Revenue Account.
8. Noted the position for the Capital Programme.

Digital Durham Programme Update and High Level Deployment Plan

Summary

The Cabinet considered a report of the Corporate Director, Resources which updated Members on the progress of Digital Durham superfast broadband. The report sought approval for the programme's high level Deployment Plan which has been draw up in consultation with the strategic delivery partner, British Telecom.

The Digital Durham Programme was set up with the vision to improve the economic and social wellbeing of all residents through the provision of superfast broadband access to all businesses, homes and communities in the Programme area. The Local Broadband Plan (LBP) was approved by the Department of Culture, Media and Sport (DCMS) and Broadband Delivery UK (BDUK) on 6 March 2012. Durham County Council agreed to match BDUK funding of £6.93m within the Council's capital programme.

The programme is also coordinating fast speed broadband activities across Gateshead, Sunderland, Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton and a Memorandum of Understanding was signed between Durham County Council (on behalf of all Councils) and BDUK on 29 March 2012. The Programme Board agreed to use the BDUK procurement framework and processes and British Telecommunications PLC (BT) was awarded the contract on 26 April 2013.

The High Level Deployment Plan is for the whole programme area of Durham; Gateshead; Sunderland; Darlington; Hartlepool; Middlesbrough; Redcar and Cleveland; and Stockton and is based on the Speed and Coverage Template (SCT) which formed part of the procurement documentation and the contract with BT. The SCT sets out BT's solution in terms of speed and coverage down to post code sector level and is also a contractual commitment to the number of premises which will be able to access their extended network due to this public investment.

BT has designed a high level deployment plan based on 9 phases of work commencing April 2014 and ending September 2016.

Decision

The Cabinet agreed to:

- Note the content of the report and the progress made with the Digital Durham Programme implementation
- Approve the recommended high level Deployment Plan
- Agree to receive progress reports on a six monthly basis

Lamplight Centre, Stanley

Summary

The Cabinet considered a joint report of the Corporate Director, Regeneration and Economic Development and Corporate Director, Neighbourhood Services which sought approval for the letting of the Lamplight Centre, Stanley on a 35 year lease to Stanley Town Council.

In a report to Cabinet in February 2012 on the Medium Term Financial Plan, members were advised that the Neighbourhood Services grouping was considering a proposal to remove any funding to support the Stanley Lamplight Arts Centre in order to make savings. The building was at the time let to Leisureworks on a 35 year lease from 2007. Durham County Council as landlord retained responsibility for all building repairs. Stanley Town Council had expressed an interest in the property. These negotiations concluded in March 2013 when Stanley Town Council decided it could not reach an agreement with Leisureworks. Following local elections Stanley Town Council renewed their interest and requested that any decision to close the centre be delayed until 31 July 2013 to undertake a consultation exercise prior to reaching a decision. On the 23 July Stanley Town Council agreed that they would take on the operation of the centre.

The Council has in principle offered to transfer the property to the Town Council on the basis of a 35 year full repairing and insuring lease at a peppercorn annual rent. Leisureworks will no longer be involved with the running of the centre and a variation to their agreement has been signed and sealed by both parties.

Decision

It is recommended that authority be given to approve the granting of a 35 year lease to Stanley Town Council on the terms set out in the report in order to secure the future of this facility in Stanley.

Colette Longbottom
Head of Legal and Democratic Services
13 September 2013