



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 10 June 2015**.

The decisions will come into force and may be implemented from Monday 22 June 2015 unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Proposal to Enlarge Sherburn Village Primary School from 1 September 2015 and to close Sherburn Hill Primary School as a separate school on 31 August 2015 [Key Decision CAS/01/15]

Summary

The Cabinet considered a report of the Children and Adults Services which sought Cabinet approval to enlarge Sherburn Village Primary School from 1 September 2015 and to close Sherburn Hill Primary School as a separate school on 31 August 2015.

Sherburn Village Primary School and Sherburn Hill Primary School have been federated since 2010 and share one Governing Body and one Head Teacher. Bringing the two schools together as one larger Primary School would be more viable and sustainable in the long term. Both school sites would remain operational to allow education provision to be retained in both communities.

Discussions with the Chair and Head Teacher of the schools about a possible amalgamation began in January 2015. Following these initial discussions, using delegated powers, the Corporate Director, Children and Adults Services approved the commencement of consultation on the proposal to enlarge Sherburn Village Primary School from 1 September 2015 to and to close Sherburn Hill Primary School as a separate school on 31 August 2015. The delegated decision report was included in the report at Appendix 2.

Consultation was undertaken between 23 February and 3 April 2015. Consultation documents (included in Appendix 2) were distributed widely across the local area on 2 March 2015. A series of meetings were held between 5-12 March 2015 so that Governors, staff, Parish Councils, parents, pupils and the local community could share their views with the Local Authority. A full summary of the consultation responses was included in the report.

The responses to the consultation were received and considered by officers in the County Council. The Federated Governing Body supported the proposal as did 3 parents of pupils attending Sherburn Hill Primary School. Although there was some opposition to the proposal - mainly from parents of pupils attending Sherburn Village Primary School - the responses received provided no evidence that not implementing the proposal would address the concerns over the future sustainability of small schools. A summary of the responses was provided in the report.

After full consideration of all the responses to the consultation, the Corporate Director, Children and Adults Services used delegated powers to agree to publish proposals to enlarge Sherburn Village School from 1 September 2015 and to close Sherburn Hill Primary School as a separate school on 31 August 2015. A statutory notice was therefore published on 16 April 2015. Two responses were received by the end of the 4 week statutory notice period objecting to the proposal. Both respondents objecting to the proposal felt that the proposal would not enhance education provision as the amount available in the combined budget will be less therefore resulting in a reduced provision of education. The respondent also stated that the Federation of Sherburn Village and Sherburn Hill Primary Schools had not been successful and queried how the Local Authority proposed that the same physical set up with less funding will improve the situation. Senior Officers in the Education Service of the Council have invited a respondent who objected to the proposal to meet with them to discuss the concerns raised in more detail.

The proposal to enlarge Sherburn Village Primary School and to close Sherburn Hill Primary School as a separate school will lead to a larger, more sustainable Primary School to enhance provision and serve the communities of Sherburn Hill and Sherburn Village for the long term.

Decision

The Cabinet agreed:

- (i) that Sherburn Village Primary School should be enlarged from 1 September 2015 and
- (ii) that Sherburn Hill Primary School should close as a separate school on 31 August 2015.

Housing Stock Transfer Completion Update [Key Decision: R&ED/01/15]

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development and the Corporate Director, Resources which updated Cabinet on the completion of the transfer of ownership of the Council's housing stock to the new County Durham Housing Group Ltd (CDHG) and its component housing management organisations; Dale & Valley Homes Ltd, Durham City Homes Ltd and East Durham Homes Ltd on 13 April 2015. The report also highlighted key issues arising during the final stages prior to completion, and features significant benefits and commitments contained in the final agreement and contract documentation.

In March 2014, the Council received initial, conditional, approval from the Department for Communities and Local Government (DCLG) of its proposal to transfer its housing stock to a group structure of the existing housing providers. The key condition concerned formal consultation with the Council's secure and introductory tenants. Having considered the matter, along with the draft Offer Document for tenants, Cabinet agreed to proceed on 7 May 2014. Formal consultation began in June 2014. On 16 July 2014 Cabinet considered a report on the consultation process and representations made by tenants, and approved proceeding to a ballot of tenants in July and August 2014. On 10 September 2014 Cabinet received a report highlighting the outcome of the ballot and the clear preference of tenants for transfer to proceed. Over 11,000 tenants (51.2%) took part in the ballot, 9,149 (82%) tenants voted in favour of the transfer. Cabinet agreed to proceed with the transfer process in accordance with the positive ballot outcome in September 2014. At the same meeting, Cabinet also approved another report which set out the proposed principles around the transfer negotiations and agreed the appropriate delegations to enable progress towards completing the housing stock transfer within the timetable required by Government.

Between September 2014 and early 2015, the project made significant progress and on 11 February 2015 Cabinet received a further report outlining progress and issues arising. In particular, the report sought approval to commit to the final stages and submit, by 23 February, the formal applications to Government for Secretary of State's consent to complete the transfer on the projected date of 23 March. This timetabling was especially tight in order to meet the deadline indicated by Government twelve months previously when the initial approval was given. When the Council's formal submission was made on 18 February, DCLG indicated firm support for the Council's proposal but advised that the actual transfer completion date should be put back beyond the original deadline in order to enable costs associated with debt premia to be appropriately addressed. In the event, the postponement requested by DCLG amounted to three weeks, including the Easter public holidays. Formal consent documents, including confirmation of the necessary debt write-off, were approved by Ministers and issued by DCLG on 10 April. Completion of the Transfer Agreement took place on Monday 13 April 2015. Two additional consents were obtained from DCLG, authorising closure of the Housing Revenue Account during 2015/16 following transfer, and retention by appropriation to the General Fund of six non-transferring former Housing land assets.

The stock transfer project is the final Large Scale Voluntary Transfer to be undertaken within County Durham. This was undertaken using the delegated powers Cabinet agreed which enabled the Corporate Director for Regeneration and Economic Development and the Corporate Director for Resources in consultation with the Cabinet Portfolio Holder for Economic Regeneration and the Cabinet Portfolio Holder for Finance to agree the conclusion of the transfer deal.

The transfer presents a major opportunity, through a fully funded 30 year business plan to continually maintain decent housing standards, develop new homes and improve neighbourhood amenity across the county. A new housing group has been created which has the scale, additional resources, heritage, values and documented commitment to support the Council in the provision, maintenance and development of housing services across County Durham for the foreseeable future. Tenants in communities across large parts of the county have shaped the transfer, provided the Council with the mandate to complete the transfer and secured a place at the heart of the new organisations.

Decision

The Cabinet:

- Noted the completion of the transfer of ownership of the Council's housing stock to the new County Durham Housing Group Ltd (CDHG) and its component housing management organisations; Dale & Valley Homes Ltd, Durham City Homes Ltd and East Durham Homes Ltd on 13 April 2015.
- Endorsed the delegated decision to transfer sub-soil beneath adopted highways in concluding the Transfer Agreement in the round.
- Agreed the outline proposals to monitor performance and delivery against the specific terms of the Transfer Agreement and the Offer Document promises made to transferring tenants.

Quarter 4 214/15 Performance Management Report

Summary

The 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 2014/15 financial year.

A major impact on the council continues to be performance of the UK economy and spending reductions placed on public sector and local councils. Despite this there continues to be good progress made in County Durham. The council has observed reductions in demand for some key areas this year such as processing new benefit claims and change of circumstances, the number of fly-tipping incidents reported and the number of customers seen at our customer access points. Increased demand has been evident in the number of looked after children cases, the number of children in need referrals, people requiring rehousing as well as in requests for information under the Freedom of Information Act or Environmental Information Regulations.

Decision

The Cabinet:

- a. Noted the performance of the council at quarter 4 and the actions to remedy under performance.
- b. Agreed all changes to the Council Plan outlined below:

Altogether Wealthier

- i. Development and implementation of a Real Time Travel Information System across the county due February 2015. Revised date: December 2016.
- ii. Durham County Council market housing scheme for rent and sale due January 2017. Revised date: January 2018.
- iii. Bring 25 empty homes back into use through a programme of targeted support in the north of the county (South Moor) due April 2015. Revised date October 2015.
- iv. Obtain planning consent for the Western Relief Road due December 2015. Revised date April 2016.

Altogether Greener

- v. Deliver the Waste Transfer Stations Capital Improvement Programme:
 - Annfield Plain (Stanley) due December 2014. Revised date: June 2015
 - Thornley (demolish and rebuild) due March 2015. Revised date: March 2016
- vi. Prepare an Air Quality Action Plan for Durham City and identify a range of required actions to improve air quality and to meet specific air quality objectives due March 2015. Revised date: May 2015.

Altogether Better Council

- vii. Deliver and complete the current accommodation programme for council buildings due February 2016. Revised date: June 2016.
- viii. Develop a community led local development structure to maximise involvement of Area Action Partnerships to increase resources for local actions due March 2015. Revised date: September 2015.
- ix. Improve data protection arrangements regarding customer data sharing - Improve the use of Privacy Impact Assessments for regular data sharing due March 2015. Revised date: May 2015.

Corporate Complaints Review

Summary

The Cabinet considered a report of the Assistant Chief Executive which requested approval of the revised corporate complaints procedure following the Corporate Complaints Review. The Customer Focus Board commissioned a review of the approach to Corporate Complaints to improve the experience of customers when contacting the council as part of the Customer First Strategy. Based on the review and guidance published by the Local Government Ombudsman, a revised process was developed. Suggested improvements were tested through a range of pilots and the policy now includes a new approach for dealing with abusive, unreasonably persistent or vexatious complaints.

Decision

The Cabinet approved the revised Corporate Complaints Policy that includes a new approach for dealing with abusive, unreasonably persistent or vexatious complaints.

Educational Attainment/Standards Report 2014-15

Summary

The Cabinet considered a report of the Corporate Director, Children and Adults Services which summarised how Durham County Council's Education Department provides support and intervention to ensure the best educational outcomes for children and young people in Durham. The report included the results from tests and examinations at Key Stage 2 and Key Stage 4/5 for 2014 which, when compared with national averages, provide the key outcome measures for primary and secondary education respectively.

Durham continues to compare very favourably with the national picture in terms of test and examination outcomes for children and young people. The local authority has a confident and firmly established knowledge of attainment and progress measures, with understanding of all key areas for improvement. It is as a direct result of the thorough and detailed involvement of school improvement officers in the process of support and challenge to schools that standards remain high and continue to improve across the vast majority of Durham schools. The vital local knowledge shared by the Education Service officers is recognised by the both the Regional Commissioner and Senior Ofsted HMI, and is invaluable as the local authority anticipates and takes action to secure a good or better education for all children and young people.

Decision

Cabinet noted the content of the report and agreed to disseminate the information contained within the report more widely, as appropriate.

Safe Durham Partnership Plan Refresh 2015-18

Summary

The Cabinet considered a report of the Corporate Director, Children and Young People's Services which presented the refresh of the Safe Durham Partnership Plan 2015-18 for agreement.

The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 require that Durham County Council, along with the other responsible authorities develop and implement a Partnership Plan. The Crime and Disorder Reduction Strategy (known in County Durham as the Safe Durham Partnership Plan) is part of the Policy Framework in the Council's Constitution. The purpose of the Safe Durham Partnership Plan is to demonstrate how the responsible authorities will work together to reduce crime and disorder across County Durham.

Following the completion of the 2014 Strategic Assessment in November 2014, no change was made to the existing strategic objectives by the Safe Durham Partnership Board, which remain aligned to the objectives within the Sustainable Community Strategy. A consultation process with partners, Area Action Partnerships and Overview and Scrutiny took place between November 2014 and February 2015 on the priorities and outcomes contained within the draft refresh of the Partnership Plan 2015-18. Feedback was supportive of the strategic objectives and the Plan was updated following consultation. The Safe Durham Partnership Board signed off the Plan in March 2015.

The refresh of the Partnership Plan 2015-18 describes the progress and achievements of the Safe Durham Partnership since the publication of the previous Plan. It describes how it will deliver sustainable improvements by working in partnership. The Plan describes why each objective has been prioritised, the key challenges to meeting each objective, an understanding of how the objectives will be delivered and how we will know if we have been successful. The Strategic Objectives and Outcomes Framework for the Safe Durham Partnership Plan 2015-18 were detailed in the report. The Partnership Plan also contains a number of strategic actions that identify the key areas of work that the Safe Durham Partnership will focus on, linked to objectives and outcomes.

Decision

The Cabinet:

- Noted the contents of this report and endorsed the Safe Durham Partnership Plan 2015-18;
- Noted that the Safe Durham Partnership Plan will be presented to Full Council on 22nd July 2015 for approval in accordance with the Policy Framework in the Council's Constitution; and
- Noted the Safe Durham Partnership Plan will be publicised on the Durham County Council website following agreement from Durham County Council

Local Government Declaration on Alcohol

Summary

The Cabinet considered a report of the Corporate Director, Children and Adults Services which provided an overview of the development and purpose on the Local Government Declaration on Alcohol (LGDA), attached to the report as Appendix 2.

The Local Government Declaration on Alcohol is in response to the ongoing damage that alcohol does to communities across the North East. It is a pledge to take action and a statement that demonstrates Durham County Council's commitment to protecting local communities from the harm caused by alcohol. The declaration was initiated following a meeting of the Regional Directors of Public Health Group following the Balance conference in November 2013, following a similar approach to that taken in relation to tobacco. Whilst the Declaration is intended as a regional statement of intent it has been led through collaboration between Gateshead Council and the regional alcohol office Balance.

The goal of the declaration is to demonstrate local authority leadership on tackling alcohol harm and to make a collective statement about the importance of this issue nationally. Durham County Council has already agreed a motion at full Council to highlight the need to:

- Introduce a minimum unit price of 50 pence per unit of alcohol
- Carry out a comprehensive review of licensing legislation to ensure that licensing authorities are empowered to tackle alcohol related harm by, for example, controlling total availability of alcohol in their area, according to local need
- Undertake an urgent review of alcohol advertising and sponsorship with a view to protecting children from the influence of alcohol marketing. This would include banning advertising in cinemas unless an 18 certificate film is being screened and withdrawing alcohol sponsorship from professional sport.

Decision

Cabinet agreed to endorse and sign the Local Government Declaration on Alcohol.

Assessing Development Proposals in County Durham in the Light of the Inspector's Interim Report on the County Durham Plan – Report of Corporate Director, Regeneration and Economic Development

Summary

The Cabinet considered a report of the Corporate Director, Regeneration and Economic Development which assessed a Policy Position Statement to provide a consistent approach to determining planning applications in the light of publication of the Inspector's Interim Report of the County Durham Plan (CDP) for Members, Officers, Developers and the public.

On 18 February 2015 the Planning Inspector published his report into Stage 1: "Interim Views on the Legal Compliance and soundness of the Submitted County Durham Plan". This report, the Interim Report, detailed the Inspector's concerns regarding the key parts of the Plan's strategy and economic ambition and its intention to focus key development in and around Durham City.

The inevitable delay the publication of the Interim Report will cause in the adoption of the CDP will make it more difficult to improve the economic performance of the County by potentially delaying appropriate development and investment. Equally, the uncertainty could be perceived as reducing the Council's ability to resist inappropriate development.

The Statement which was attached to the report at Appendix 2 set out how development proposals will be assessed with guidance on the following matters:

- The status of the existing Adopted Local Plans in County Durham;
- The status of the County Durham Plan;
- The status of proposals in the Inspector's Interim Report;
- The Status of Neighbourhood Plans in County Durham;
- The Council's understanding of Sustainable Development;
- Infrastructure requirements and planning obligations;
- Appropriate scale of development;
- How will the matter of Prematurity be addressed; and
- Five-year housing land supply.

Decision

The Cabinet agreed that "Assessing Development Proposals in County Durham" be agreed as a Council Policy Position Statement to provide clarity to Members, officers, developers and the public in the light of receipt of the Interim Inspector's Report on the County Durham Plan.

Colette Longbottom
Head of Legal and Democratic Services
12 June 2015