



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** held on **Wednesday 18 November 2015**.

The decisions will come into force and may be implemented from **Monday 30 November 2015** unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Council Tax Base 2016/17 and Forecast Surplus on the Council Tax Collection Fund as 31 March 2016 [Key Decision: CORP/R/15/03]

Summary

The Cabinet considered a report of the Corporate Director, Resources regarding the Council's Council Tax Base 2016/17 for all domestic properties liable to pay Council tax and reported on the estimated collection fund surplus as at 31 March 2016.

The Council Tax Base is a measure of the County Council's 'taxable capacity' for the purpose of setting its Council Tax. Legislation requires the Council to set out the formula for that calculation and that the tax base is formally approved by Cabinet. On 15 July 2015 Cabinet resolved to recommend to Council continuation of the current Local Council Tax Reduction Scheme (LCTRS) into 2016/17. The scheme will be kept under continuous review with a further decision to be considered by Cabinet in the summer of 2016. As the billing authority, the Council is required, on an annual basis, by 15 January, to make a declaration of the estimated Collection Fund outturn position, and identify and apportion any surplus or deficit anticipated for the following financial year between the principal precepting authorities making a precept on the Fund so that they can factor this into the budget setting processes. Quarterly updates are reported as part of the budgetary control reports to Cabinet and over the last few years the Council has declared a balanced position on the Collection Fund.

At October 2015 there were 239,806 dwellings registered for Council Tax. Some of these properties are exempt from council tax. Empty properties no longer receive discount neither do second homes nor long term empty properties. Empty properties for more than two years are charged a 50% premium. The number of dwellings will be adjusted to reflect these discounts and exemptions. The council tax levied varies between the different bands according to proportions laid down in legislation. In determining the Council Tax Base for 2016/17, two further issues must be factored into the calculation:

- Forecast reductions in the tax base as a result of the LCTRS which is a discount rather than a benefit payment and therefore reduces the tax base; and
- Provision for non-collection of council tax due to bad debts that need to be written off.

Taking into account the forecast collection rate and factoring in the adjustments to the Band D Equivalent properties as a result of the LCTRS next year, the Band D Equivalent Tax Base is forecasted to be 133,892.4 in 2016/17, which compares to the current 2015/16 tax base figure for the County of 130,493.0 – an increase of 3,399.4 (2.61%). The council tax base for the County Council will be used by the Police and Crime Commissioner and the Durham and Darlington Fire and Rescue Authority to set their council tax precepts for 2016/17, which will be included in the council tax bills sent to every council tax payer in the County.

The Town and Parish Councils and the Charter Trust for the City of Durham, council tax bases were detailed in the report and will be used to calculate the parish and town councils and the Charter Trust for the City of Durham precepts in 2016/17. These will also be added to the council tax bills and sent to every council tax payer in the respective Town and Parish Council areas.

The Council must determine and declare the estimated surplus or deficit on its Collection Fund at 31 March each year by 15 January. As highlighted in the quarter 2 forecast of outturn report (based on the position to 30 September 2015) the Council Tax Collection Fund is forecast to achieve a surplus of £7.031m at 31 March 2016 and therefore the Council will be declaring a surplus for budget setting purposes and needs to apportion this between the major precepting bodies. The estimated surplus for council tax will be shared between the County Council, the Fire Authority and Durham Police and Crime Commissioner in proportion to the 2016/17 demands / precepts on the Fund. The report provided details as to how the £7.031m will be allocated.

Police, Fire and local town and parish councils were notified of their indicative Council Tax Bases earlier this summer and the Fire Authority and Durham Police and Crime Commissioner were notified that they will receive a share of an anticipated surplus on the Council Tax Collection Fund. Subject to Cabinet consideration of this report, the tax bases will be confirmed. Town and Parish Councils will be requested to submit their precept requests by 29 January 2016 to enable these to be incorporated into the 2016/17 Budget and Council tax setting reports to Cabinet and Council in February 2016. The Fire Authority and Durham Police and Crime Commissioner will be notified of their share of the estimated surplus on the Council Tax Collection Fund to enable them to factor this into their budget setting for 2016/17.

In continuing with the current LCTRS next year, members have committed to a full review of the Scheme in early summer of 2016. This review will draw on experiences elsewhere and the impact of the wider welfare reforms in County Durham during the period 2013/14 to 2015/16 and put forward options for consideration by Cabinet in July/September next year, with a view to consultation on any changes for 2017/18 being in the Autumn of 2016 and a report being presented to Cabinet on the outcome by December 2016. The 2017/18 LCTRS scheme will need to be endorsed by Council before 31 January 2017.

Decision

The Cabinet:

- Approved the Council Tax Base for the financial year 2016/17 for the County, which has been calculated to be 133,892.4 Band D equivalent properties;
- Approved the declaration of a surplus on the Council Tax Collection Fund at 31 March 2016 of £7.031m, to be distributed to the Council; the County Durham Fire and Rescue Authority; and the Durham Police and Crime Commissioner in accordance with Council Tax regulations.

Review of Council Plan [Key Decision: CORP/A/03/15/01]

Summary

The Cabinet considered a report of the Assistant Chief Executive which presented the draft Council Plan for approval. The Council Plan details Durham County Council's contribution towards achieving the objectives set out in the Sustainable Community Strategy (SCS), together with its own improvement agenda. The Council Plan covers a three year timeframe in line with the council's Medium Term Financial Plan and sets out how corporate priorities will be delivered and the key actions which will be taken to support the longer term goals set out in the SCS. This year it is proposed that the existing three year Council Plan is updated and rolled forward a year, with a more fundamental review to take place next year, in line with a refresh of the Sustainable Community Strategy.

The proposed changes to the Council Plan outcomes were attached to the report at Appendix 1. The changes to the Altogether themes were summarised in the report. There are no proposed changes to the Altogether Better for Children and Young People and Altogether Healthier frameworks.

Decision

The Cabinet:

- Agreed the approach to rolling forward the current Council Plan;
- Approved the changes proposed to the Council Plan outcomes framework as outlined in Appendix 1 of the report
- Noted the proposed more fundamental review of the SCS and Council Plan next year;
- Noted the comments raised at the Members' seminars outlined in Appendix 2 of the report.

Mid-Year Report for the Period to 30 September 2015 on Treasury Management Service

Summary

The Cabinet considered a report of the Corporate Director, Resources. The regulatory framework of treasury management requires the Council to receive a mid year treasury review, in addition to the forward looking annual treasury strategy and backward looking performance against the previous strategy. The report also incorporates the needs of the 'Prudential Code', which can be regarded as being best operational practice, to ensure adequate monitoring of capital expenditure plans and the Council's prudential indicators (PIs). The treasury strategy and PIs were previously reported to Council as part of the Medium Term Financial Plan 2015/16 – 2017/18 on 25 February 2015. The purpose of the report also supports the objective in the revised CIPFA Code of Practice on Treasury Management and the Communities and Local Government Investment Guidance. These state that Members should receive and scrutinise the treasury management service. The County Council had deposited £7m across various Icelandic banks which all went into administration in 2008. In total up to 30 September, the Council had recovered £7.036m against the original £7m and the report recommended that the matter be closed.

Decision

The Cabinet:

- Noted the contents of the mid-year review report and agreed to report further to Full Council
- Agreed that no further reporting on the Icelandic Bank Deposit is required on the basis that the full £7m at risk has been recovered.

Forecast of Revenue and Capital Outturn 2015/16 for General Fund, and Housing Revenue Account – Period to 30 September 2015

The Cabinet considered a report of the Corporate Director, Resources which provided a forecast of 2015/16 revenue and capital outturn, based on the period to 30 September 2015 for the Council's General Fund and Housing Revenue Account. The report also included the forecasts for the Council Tax Collection Fund and Business Rates Collection Fund. The report updated the position presented to Cabinet on 16 September 2015 that showed the forecasted revenue and capital outturn based on expenditure and income up to 30 June 2015 and incorporated the recommended changes to cash limits within Service Groupings agreed at that time, providing updates to these forecasts and revised forecast balances on general and earmarked reserves at 31 March 2016.

Revenue

The following adjustments have been made to the Original Budget that was agreed by Full Council in February 2015:

- (i) agreed budget transfers between Service Groupings;
- (ii) additions to budget for items outside the cash limit (for Cabinet consideration and recommended approval);
- (iii) planned use of or contribution to Earmarked Reserves (detailed in Appendix 4 of the report).

Housing Revenue Account (HRA)

On 13 April 2015, the Council transferred its housing stock of 18,500 dwellings to the County Durham Housing Group Ltd. Consent was received from the Secretary of State to close down the HRA any time from 30 April 2015 onwards as the Council is no longer a social housing landlord and not required to maintain a ring-fenced HRA. There were some residual transactions still taking place reflecting the relatively short period of activity in 2015/16 and also costs associated with delivering stock transfer in April which have been met from available income and reserves. All transactions are now complete and the HRA will now be closed.

Capital

The General Fund (GF) capital budget for 2015/16 was set at £148.480m by Council on 25 February 2015. Re-profiling from the 2014/15 capital programme outturn into 2015/16, amounting to £18.736m was reported to Cabinet on 15 July 2015 and was included in the Quarter 1 Forecast of Revenue and Capital Outturn Report to Cabinet 16 September 2015. The Council's Member Officer Working Group (MOWG) that closely monitors the capital programme has since recommended approval to Cabinet of further revisions to the capital programme, taking into account additional resources received by the authority and further requests for re-profiling as Service Management Teams continue to monitor and review their capital schemes.

Decision

The Cabinet:

- Noted the projected change in the Council's overall financial position for 2015/16.
- Agreed the proposed 'sums outside the cash limit' for approval.
- Agreed the revenue and capital budget adjustments.
- Noted the creation of the Budget Support Reserve and the transfer of available reserves into Office Accommodation Capital Reserve.
- Noted the transfer of £10m from Cash Limit reserves to replenish the MTFP ER/VR reserve
- Noted the forecast use of Earmarked Reserves.
- Noted the forecast end of year position for the Cash Limit and General Reserves.
- Noted the position on the Capital Programme and the Collection Funds in respect of Council Tax and Business Rates.
- Noted the closure of the Housing Revenue Account.

Durham Local Safeguarding Children Board Annual Report 2014-15

Summary

The Cabinet considered a report of the Corporate Director Children and Adults Services which presented Cabinet with the Durham Local Safeguarding Children Board Annual Report 2014-15. Durham Local Safeguarding Children Board (LSCB) is a statutory body established under the Children Act 2004. It is independently chaired and consists of senior representatives of all the principal stakeholders working together to safeguard children and young people in Durham.

Its statutory objectives are to:

- coordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area; and
- ensure the effectiveness of what is done by each such person or body for those purposes

Working Together (2015) requires each Local Safeguarding Children Board to produce and publish an Annual Report evaluating the effectiveness of safeguarding in the local area. It also requires that the Annual Report be submitted to the Chief Executive, Leader of the Council, the local Police and Crime Commissioner and the Chair of the Health and Wellbeing Board.

The Durham LSCB Annual Report 2014/15 sets out the work of multi-agency partners to ensure effective arrangements are in place to safeguard and protect vulnerable children and young people from abuse and neglect.

The report describes the work undertaken against the 2014-15 priorities and sets out the future priorities for 2015-16. The report provides an overview of the performance monitoring framework and quality assurance plan as well as providing a brief summary of safeguarding privately fostered children, the use of restraint in secure centres, Serious Case Reviews, Child Death Reviews and the single and multi-agency training provision.

The LSCB has reviewed its vision, which has been agreed as: 'Every child and young person in County Durham feels safe and grows up safe from harm'.

The Durham Local Safeguarding Children Board has agreed the following priorities for 2015/16:

- To reduce Child Sexual Exploitation
- Improve Early Help
- Reduce neglect (contributory factors are domestic abuse; alcohol misuse; substance misuse; parental mental health)
- Reduce self-harm and improving young people's self-esteem
- Increase the voice of the Child
- Ensure that each agency is accountable for delivery of its own safeguarding responsibilities

Alongside the identified priorities above the LSCB has highlighted areas of work for 2015/16. The LSCB priorities above and areas of work are supported by a detailed LSCB Business Plan outlining the actions to be undertaken in 2015/16. The Durham LSCB Annual Report 2014/15 was agreed at the LSCB Board Meeting on the 15th October 2015.

Decision

The Cabinet endorsed the Durham Local Safeguarding Children Board Annual Report 2014/15.

Adult Safeguarding Board Annual Report

Summary

The Cabinet considered a report of the Corporate Director, Children and Adults Services which provided information on the current position of the County Durham Safeguarding Adults Board and outlined achievements during the year 2014/15.

A number of specific areas were covered by the Annual Report as follows:

- Safeguarding in its current context.
- Achievements during the year 2014 /15 from the Board's subgroups.
- The Strategic Plan for 2016/18.
- Perspectives of the partners.
- Key data on safeguarding activity in County Durham.

Much of the work of the Board in 2014/15 has focussed on preparing for the implementation of the Care Act in April 2015 which requires local authorities to set up a Safeguarding Adults Board. The Act requires the Safeguarding Adults Board to fulfil three core duties:

- To publish a strategic plan for each financial year
- To publish an annual report
- To conduct any Safeguarding Adults Review in accordance with Section 44 of the Act

Decision

The Cabinet approved the contents of the Annual Report.

Contaminated Land Inspection Strategy

Summary

The Cabinet considered a report of the Corporate Director, Neighbourhood Services which considered, in the light of the formal public consultation, the revised draft Contaminated Land Inspection Strategy (CLIS) dated September 2015.

In April 2000, a statutory regime for the regulation of contaminated land was implemented, under Part 2A of the Environmental Protection Act 1990. It imposes a statutory duty on each local authority to strategically inspect the land within its area for the purpose of identifying land which could be defined as 'contaminated land'. Contaminated Land for the purposes of Part 2A of the Environmental Protection Act 1990 is defined as 'any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that: -

- Significant harm is being caused or there is a significant possibility of such harm being caused; or
- Significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.

Under the provisions of Part 2A local authorities are also obliged to produce a written CLIS outlining how they intend to fulfil their inspection duties.

Contaminated land new statutory guidance, issued by Defra and released in April 2012, brought several changes to the regime. The main changes contained within the guidance and reflected in the 2015 Strategy are: -

- The introduction of risk categorisation of sites inspected under Part 2A and their allocation into one of four categories.
- The principle that normal levels of contaminants such as those caused by common human activities as opposed to former industrial uses should not be considered to cause land to qualify as contaminated land, unless there is a particular reason to consider otherwise.
- Changes to the reporting of sites assessed under Part 2A.

The 2015 CLIS sets out the proposals for identifying, inspecting and assessing contaminated land within the Durham County Council area between 2015 and 2020, taking into account the statutory guidance and the Council Plan, ensuring an attractive local living environment, and contributing to tackling global environmental challenges ('Altogether Greener').

Consultations were held between 6 July 2015 and 31 August 2015. The consultation revealed overall strong support of the CLIS. Suggestions / comments made by the Environment Agency have been considered and some changes were made in light of their feedback along with some additional alterations.

None of the changes have altered the original draft priority actions or aims of the CLIS. The main changes were detailed in the report.

The revised CLIS supports compliance with the Council's statutory duty under Part 2A of the Environmental Protection Act 1990 to provide a written CLIS detailing how to inspect the county to identify contaminated land. It has taken into account the responses of the interested parties.

Decision

The Cabinet approved the Contaminated Land Inspection Strategy.

Colette Longbottom
Head of Legal and Democratic Services
20 November 2015