



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **THURSDAY 20 NOVEMBER 2008**.

These decisions will come into force and may be implemented from **2 DECEMBER 2008**, unless the Overview and Scrutiny Committee or its Sub-Committees object to any such decision and call it in.

Council Tax and Business Rates Recovery Timetables and Enforcements, Council Tax on Second Homes and Benefit Fraud

Summary

The Cabinet considered a Joint Report of the County Treasurer and the Acting Chief Executive Wear Valley District Council seeking approval for policies/procedures in respect of:

- Council Tax and Business Rates Recovery timetables and Enforcements.
- Council Tax and Second Homes.
- Benefit Fraud.

The above policies/procedures, which are set out in annexes to the Report, are currently carried out by the 7 District Councils. They all contain aspects of service delivery which have a highly visible public interface and as such it is important that the unitary Authority standardise service delivery post vesting day.

The annexes are built around best practice and existing practice, are to be implemented in advance of vesting day (with the exception of the Second Homes report), to ensure a seamless transition to the new Authority and also enable adequate publicity to be issued.

Decision

The Cabinet agreed the report and annexes setting out policies/procedures in respect of:

- Council Tax and Business Rates Recovery timetables and Enforcements.
- Council Tax and Second Homes.
- Benefit Fraud.

Funding Agreement between Durham County Council and Park View Community Association

Summary

The Cabinet considered a Joint Report of the Acting Director of Corporate Services and the Corporate Director, Children and Young People's Services about the replacement of the original Shared Use Trust Deed associated with Park View Community School and Park View Community Association (PVCA) with a Transfer of Control Agreement (TOCA) and seeking an extension of the term of the current Funding Agreement associated with the TOCA from two to seven years. The initial Funding Agreement was agreed by Cabinet on 13 September 2007 for a term of two years.

During formal negotiations regarding the Funding Agreement, PVCA's Management Committee has asked for the two year funding period to be reconsidered in favour of a seven year term which the committee feel would constitute a more reasonable funding period.

The Funding Agreement does not reduce the County Council's commitment to the level of finance required to fund the Shared Use Scheme per annum, but does substantially reduce the period of the Council's overall funding commitment under the previous Shared Use Trust Deed.

Decision

The Cabinet agreed the extension of the Funding Agreement with PVCA from two to seven years from 1st April 2009.

Extension to the Pilot for Two Year Old's Programme

Summary

The Cabinet considered a Report of the Corporate Director, Children and Young People's Services about the extension to the 'Pilot for Two-year olds' programme following the Government's announcement to offer approximately 20,000 free early education places over the next three years (2008-11), and seeking agreement on the criteria to be used to determine access to the programme.

The extended pilot has been developed to improve outcomes for the 15% most deprived two year olds, through early access to high quality early years (play and learning) provision. The extended pilot will also have a clear focus on the whole family, supporting them to tackle disadvantage through family support and home learning.

The aims of the pilot are to:

- Increase the general awareness of the free entitlement offer amongst families and communities;
- Identify and engage individual families in challenging circumstances who may be reluctant to seek help from 'professionals'; and
- Retain children in the pilot until progression to the free entitlement for three and four year olds.

The eligibility criteria in the extended pilot are much more tightly focussed than the previous pilot, which in County Durham was targeted in the District of Easington from 2006 to 2008. All families accessing the extended pilot must meet a combination of national and local criteria.

The pilot will be overseen by a Steering Group with broad representation.

Where more children qualify against the national criteria than the funding can support the following local criteria will be applied:

- Family Criteria
 - Asylum seeking families/refugee families
 - Family known to have experienced significant domestic violence; or
 - Family known to have experienced substance misuse issues.
- Parental Characteristics
 - Children from families with 3 or more children aged under 5;
 - Teenage parents;
 - Lone parents; or
 - Parents with significant health issues or disabilities which impact negatively on their childcare capacity.
- Child Characteristics
 - Child with speech and language needs, including English as an Additional Language;
 - Children with a Child Protection Plan;
 - Children living in temporary accommodation;
 - Children involved with Social Care where the Assessment and the Plan identifies the need for additional childcare support;
 - Children with significant developmental or learning delay;
 - Disabled children; or
 - Children experiencing significant and behavioural problems.

Decision

The Cabinet approved the extension of the 2 year old pilot based on the criteria set out above.

County Durham Local Development Framework: Local Development Scheme

[Key Decision Env/EN/10/08]

Summary

The Cabinet considered a Report of the Corporate Director, Environment seeking approval for the Local Development Scheme for the new County Durham Local Development Framework, which the Council is required to submit to the Government before the 31st December 2008. The Local Development Scheme is the project plan setting out the timescale for the production of the Local Development Framework which will form the basis of a Service Level Agreement with Government Office North East.

It is proposed that the first Local Development Scheme includes milestones for the following documents:

- The Core Strategy
- The Growth Point Area Action Plans
- Design and Sustainability Supplementary Planning Document

The Local Development Scheme will be used by the Council, through its Annual Monitoring Report, and by the Department of Communities and Local Government (for the purposes of calculating Housing and Planning Delivery Grant) to monitor the progress of the preparation of the Local Development Framework.

The Local Development Framework is a key document for the new Council. It provides the planning framework embodied in spatial documents that are required to deliver local priorities as set out in the Sustainable Community Strategy through facilitating and delivering development. There is therefore a requirement to draw the two processes together.

Decision

The Cabinet approved the attached Local Development Scheme for submission to the Government by the 31st December 2008 deadline.

Licensing Arrangements

Summary

The Cabinet considered a Report of the Corporate Director, Environment about the preparations which have been undertaken in respect of the licensing function which the Council will be responsible for from 1 April 2009 (Vesting day) in respect of taxis, the Licensing Act 2003 and the Gambling Act 2005 and seeking consent for the draft policies in respect of taxis, Licensing Act 2005 and Gambling Act 2005 to be consulted upon.

A decision was also sought in respect of the future arrangements for taxis.

The new Council, acting as Licensing Authority, will be responsible for administering the provision of a large number of licensing functions set down in a range of legislation. In order to ensure that on Vesting Day the new Authority acts in a legal manner appropriate policies and procedures need to be properly in place.

Currently there are approximately 1,500 hackney carriage / private hire vehicles and 2,500 drivers licensed under the relevant legislation; 2,000 premises and 2,500 persons licensed by the constituent authorities under the Licensing Act 2003, with a further 130 premises licensed under the Gambling Act 2005.

Under the Gambling Act 2005, the Council will be responsible from the 1st April 2009 for issuing Premises Licenses, for premises such as casinos, bingo balls, betting offices, adult gaming centres and licensed family entertainment

centres, as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.

Licensing Authorities are required to prepare and publish, every three years, a statement of the principles that they propose to apply when exercising their functions. A copy of the Statement of principles in respect of the Gambling Act 2005 is attached as Appendix 1.

The Licensing Act 2003 replaced a number of outdated licensing regimes in England and Wales, to provide a more responsive and flexible licensing system governing the sale and supply of alcohol, public entertainment and late night refreshment.

The Council is required to prepare and publish a 'Statement of Licensing policy every three years. During the three-year period the Council must keep the policy under review and may wish to make such revisions to it as it considers necessary and appropriate.
A copy of the Policy is attached at Appendix 2.

The licensing of Taxis is complex and involves the application of a substantial amount of legislation and case law, some of which dates back to 1847. The effect of this regulation is to require any vehicle which is to be used as a Taxi to be licensed by the Licensing Authority, either as a Hackney Carriage or as a Private Hire vehicle.

In order to allow for the appropriate Taxi licensing arrangements to be put in place, the Council need to carry out extensive consultation and make a decision on zoning arrangements. It would be considered as best practice to also adopt a Taxi licensing policy. In the absence of any decision by the Council, with effect from 1st April 2009, hackney carriage vehicles will be licensed only to operate within the zone in which their licence was granted – i.e. in one of the areas of the previous District Councils.

The Department for Transport has recommended (in its "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" published October 2006) that zones should be abolished for the benefit of the travelling public, as *"zoning tends to diminish the supply of taxis and the scope for customer choice ... Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement."*

Decision

The Cabinet approved the following to be released for consultation -

- The Statement of Principles in accordance with the Gambling Act 2005
- The Statement of Licensing Policy in accordance with the Licensing Act 2003
- The Taxi policy.

In addition the Cabinet agreed that the Council should consult, with the assistance of an external facilitator, on:

- a) Retaining the 7 Taxi licensing zones currently in existence from the 1st April 2009;
- b) Whether 7 Taxi licensing zones should continue for a specified period of time post Vesting day;
- c) Stakeholder views on the limitations on numbers of Taxis within the zones;
- d) The appetite for having a single Taxi licensing zone;
- e) De-regulating the number of Taxi licenses in the area.

Part B (Items not open to the Public)

Industrial learning Centre, Heighington Lane Industrial Estate, Newt Mitigation Work

Summary

The Cabinet considered a Report of the Acting Director of Acting Director of Corporate Services seeking approval to the proposed refunding of costs relating to newt mitigation work in connection with the sale of land for the Vocational Learning Centre. This is a contractual commitment and there is no option other than to make the payment, which has been verified as being correct.

Decision

The Cabinet approved payment as detailed in the report to The Vocational Learning Trust.

A688 Wheatley Hill to Bowburn Link Acquisition, Licence and Tenant Compensation – Advance Payment

Summary

The Cabinet considered a Report of the Acting Director of Corporate Services about terms which have been agreed for acquisition and licence of land required in connection with the A688 Wheatley Hill to Bowburn scheme, together with the payment of tenant compensation. A 90% advance payment will be made in respect of all Heads of Claim and agreed accommodation works in connection with all transactions.

Decision

The Cabinet agreed that the Acting Director of Corporate Services, in consultation with the portfolio holder, be given delegated authority to agree the final compensation settlement and therefore the balance of payment to be made to the claimants.

A688 Wheatley Hill to Bowburn Link Road – Advance Payment

Summary

The Cabinet considered a Report of the Acting Director of Corporate Services about terms which have been agreed for the acquisition of land required for the A688 Wheatley Hill to Bowburn scheme and proposing that 90% contributions on all Heads of Claim should be made pending final assessment of the overall payment and the County Council to carry out agreed accommodation works.

Decision

The Cabinet agreed that the Acting Director of Corporate Services, in consultation with the portfolio holder, be given delegated authority to agree the final compensation settlement and therefore the balance of payment to be made to the claimants.

Local Authority School Governors Ferryhill Business and Enterprise College –

Summary

The Cabinet considered a Report of the Corporate Director, Children and Young People's Services about the appointment of one Local Authority Governor to Ferryhill Business and Enterprise College using the process agreed by Cabinet on 18 July 2008.

Decision

The Cabinet agreed that Mr. R. Pratchett be appointed as Local Authority Governor at Ferryhill Business and Enterprise College.

Surface Dressing Contract 2009/10

Summary

The Cabinet considered a Report of the Corporate Director, Environment seeking authority to award Service Direct the contract for the surface dressing of carriageways at various locations within the County for the 2009/10 season.

This work has been undertaken by Service Direct for the previous 13 years. Initially this was through a competitive process and then under Best Value arrangements prior to the introduction of the Strategic Alliance and thereafter under arrangements confirmed by Cabinet at their meeting on 4 May 2004.

Decision

The Cabinet agreed the arrangements to award the work for the 2009/10 surface dressing programme to Service Direct at an estimated cost detailed in the report.

Lesley Davies, Acting Director of Corporate Services
24 November 2008