



## **RECORD OF EXECUTIVE DECISIONS**

The following is a record of the decisions taken at the meeting of **CABINET** on **THURSDAY 4 DECEMBER 2008**.

These decisions will come into force and may be implemented from **16 DECEMBER 2008**, unless the Overview and Scrutiny Committee or its Sub-Committees object to any such decision and call it in.

### **Medium Term Financial Plan and Budget 2009/10 [Key Decision Corp/TR/01/08]**

#### **Summary**

The Cabinet considered a Report of the County Treasurer providing an update on the progress in developing the Budget, seeking approval for a number of proposals to enable further work to proceed and identifying risks associated with the Budget.

The report provides information on a range of issues related to the construction of the revenue budget for 2009/10 and the capital programme together with related topics upon which decisions will need to be made so that by 29<sup>th</sup> January Cabinet is in a position to make recommendations to the County Council.

Work is being concentrated on developing a revenue and capital budget for 2009/10, with the broader medium term financial plan being deferred until the position for 2009/10 becomes clearer.

A number of recommendations as summarised below have been made for planning purposes and will be confirmed as part of later reports:

#### **Capital**

- That the Council will adopt an appropriate resolution to enable housing receipts to be used for affordable housing or regeneration.

#### **Area Based Grants**

- Continues to "ringfence" and passport LEGL to partners.
- Continues to provide support for the CVS at a cost of £150,000.
- In line with the Cabinet decision on 6<sup>th</sup> November 2008, to earmark resources for District committed projects in 2009/10 and 2010/11.

- To allocate the remainder of ABG to the new Council Service groupings, in accordance with the notional programmes contained in the Government's allocation of ABG to Durham.

### **Fees and Charges**

- Service groupings work on the basis that fees and charges income generates at least a 2.5% increase on 2008/09 levels.
- Make specific recommendations as part of the Service groupings budget build.
- The proposals set out in above be agreed for equalisation, rationalisation and for concessions.

### **Consultation**

- It is recommended that in addition to the consultation with Trade Unions and representatives of the National Non-Domestic Ratepayers the Council consults representatives of the Citizens Panel.
- It is further recommended that this report is used as the basis of that consultation.

### **Decision**

The Cabinet agreed the recommendations in relation to the development of the Budget as set out above.

## **Members Allowances Independent Remuneration Panel**

### **Summary**

The Cabinet considered a Report of the County Treasurer seeking approval to the establishment of an Independent Remuneration Panel which will be required to make recommendations to the County Council about Members' Allowances relating to -

- The amount of Basic Allowance which should be payable to all Members,
- The duties in respect of which Members should receive a Special Responsibility Allowance and as to the amount of such an allowance, and
- Whether the Allowance Scheme should include allowances in respect of the expenses of arranging for the care of children or dependants and as to the amount of such allowances.

It was proposed that there is merit in both appointing people to the Panel through a formal selection process following advertisement and, inviting organisations within the County to nominate individuals who are recognised as having an appropriate profile in Durham to make up a new Panel, which would comprise no more than 7 people. This would provide for a good range of individual views whilst keeping the numbers on the Panel to a reasonable number.

It was proposed not to pay allowances to panel members and this would be consistent with co-opted members on Overview and Scrutiny and Audit Committees. However, it was proposed that reasonable expenses should be reimbursed.

### **Decision**

The Cabinet approved the proposals as set out above.

## **Local Government and Public Involvement in Health Act 2007 – New Executive Arrangements**

### **Summary**

The Cabinet considered a Report of the Acting Director of Corporate Services about the outcome of consultations in respect of the new Executive arrangements as required by the Local Government and Public Involvement in Health Act 2007 and seeking the Cabinet's view in relation to the leadership model to be adopted in 2009, for recommendation to full Council on the preferred model.

Following a consultation period of approximately four weeks five responses were received. One of the responses appeared to relate purely to the Durham City Mayor and requests that the role is continued. The remaining responses were evenly divided between favouring the leader and cabinet model and the Mayor and cabinet model, as summarised below.

The new Leader and Cabinet Executive model is very similar in practice to the Council's current model. Under the new model a Leader will be elected by the members of an authority and will hold office for a four year term. The Leader will determine the number and appointment of other Executive Members (between 2 and 9). The Leader will appoint a Deputy Leader and may remove the Deputy and other Executive Members.

The County Council may include provision for the Council to remove an Executive Leader by resolution during the four year term. If that power is adopted, and such a resolution was to be passed, a new Leader would have to be appointed at the same time or at a subsequent meeting. The County Council will need to consider whether it is advisable to adopt a power to remove a leader mid-term for future reference.

The Constitution Working Group which initially considered these proposals was of the view that such a provision should be included, within a framework regulating its operation. This further detail is to be examined as part of the wider review of the Constitution currently under way.

Under the Mayor and Cabinet Executive, the Mayor is directly elected, also for a four year term, and cannot be removed from office by the Council. Also a two-thirds majority is required to overturn a Mayor's budget or major policy proposals. An elected Mayor also has power of appointment and removal of the Deputy Mayor and Executive Members.

**Decision**

The Cabinet agreed that the County Council be recommended to –

1. Adopt proposals for the new executive arrangements in accordance with the Local Government and Public Involvement in Health Act 2007, based on the Leader with Cabinet model.
2. Adopt a provision for removal of the Leader during his/her term of office, within a framework regulating its operation.
3. Continue the current arrangements for local choice executive functions and responsibilities under the Local Government Act 2000 Regulations (those which may or may not be the responsibility of the Executive) for the time being and that these be re-examined as part of the review of the Constitution currently being undertaken.

**County Durham Local Development Plan Framework – Annual Monitoring Report  
[Key Decision Env/EN/13/08]****Summary**

The Cabinet considered a Report of the Corporate Director, Environment seeking approval of the Annual Monitoring Report for County Durham and the District Councils for submission and publication. All local planning authorities are required to submit an Annual Monitoring Report to the Government and publish it on their website before the 31 December 2008.

The monitoring period is from April 2007 to March 2008 and the document must address both progress in delivering economic, social and environmental benefits against national and local indicator measures, and also progress on the timetable and milestones for the preparation of Local Development Scheme.

The full AMR for 2007/2008 is available in the Members' Resource Centre.

**Decision**

The Cabinet approved the Annual Monitoring Report for submission to the Government by the 31 December 2008 deadline.

**Local Transport Plan 2 – Submission of First Progress Report  
[Key Decision Env/EN/08/08]****Summary**

The Cabinet considered a Report of the Corporate Director, Environment seeking approval to submit to the Department for Transport (DfT), the first Progress Report on the Authority's second local transport plan (LTP2), covering the period April 2006 to March 2008.

The report is structured in a similar way to LTP2 and progress is reported against each of the national shared priorities for transport – improved access to jobs and services, particularly for those most in need, in ways which are sustainable; improved public transport; reduced problems of congestion, pollution and road safety but also reflecting local priorities as well.

As well as reviewing delivery over the previous two years, the report also takes a brief forward look at the remaining years of the Plan period and the risks associated with successful delivery in the future.

Looking back at the first two years of the Plan period, progress has been made with the following:

- On track to achieving the 20 objectives of the Plan.
- Good progress on implementing our commitments on 38 of 43 Plan policies that are helping to deliver the transport strategy.
- Of the Year 2 targets set for the 14 mandatory indicators, 11 have been achieved or nearly achieved.
- Good outcomes from a completed West Auckland Bypass.
- Increased community satisfaction through public realm enhancements.
- Increased public satisfaction with the Authority's management and co-ordination of all works on the highway.
- Condition of the principal road network (road and bridges) improving significantly.
- Greater investment in street lighting.

Progress has been less effective with the following:

- Increasing satisfaction of public transport users;
- Tackling accessibility issues more fully in the rural areas;
- Take up by employers of workplace travel planning has been disappointing;
- Numbers of people killed or seriously injured in road accidents still exceeding the milestone targets;
- Greater investment needed for the Public Rights of Way network;
- Footway condition still behind target;
- Outcomes from transport/health initiatives less than envisaged.

### **Decision**

The Cabinet approved the submission of the finalised Progress Report to DfT and GONE, in compliance with the stated date of December 2008 and that the Corporate Director, Environment, in liaison with the Portfolio Member of Environment, be given delegated authority to include feedback in the finalised version of the report.

## **Planning System Governance/Committee Arrangements**

### **Summary**

The Cabinet considered a Report of the Corporate Director, Environment about proposals for committee decision making structures for the new Planning Service.

The Planning Workstream established for the purpose of Local Government Reorganisation has explored options for governance and has suggested that the most appropriate and preferred system would comprise:

- A **central committee** dealing with major/strategic planning decisions, and comprising 16 Members;
- **Three geographically defined sub areas** based on the existing districts of Derwentside/Chester le Street, Durham City/Easington, and Sedgefield/Teesdale/Wear Valley:
  - Committees in these location would consider the bulk of planning decisions;
  - Meetings would take place on a three weekly cycle, with between 8 – 13 planning applications per meeting (current estimate);
  - Composition of sub-area committees to be of 16 Members represented equally from the locality and from the rest of the county.

### **Decision**

That Cabinet agreed to recommend to Full Council the proposed Planning Committee structure outlined above and noted a further report will come forward on a new proposed scheme of delegation to underpin the Committee structure.

## **North East Wind Energy Development and Landscape Study**

### **Summary**

The Cabinet considered a Report of the Corporate Director, Environment seeking approval to release funding to contribute to joint commissioning of a Landscape Capacity Study for wind energy development. The estimated cost of the study will be in the region of £35,000, with the North East Assembly (NEA) to make a significant contribution towards this and the residual amount needing to be funded by the planning authorities covered by the studies.

The funding required falls outside the limit delegated to the Chief Officers of the County Council to authorise payment. Therefore, approval is sought to make a payment of up to £6,000 maximum in order to procure the work for the purpose outlined in this report.

### **Decision**

The Cabinet approved the proposals outlined in the report with a contribution of up to £6,000 to NEA, drawn from Planning Delivery Grant.

## **Common Lettings Policy** **[Key Decision BSE/EN/18/08]**

### **Summary**

The Cabinet considered a Report of the Corporate Director, Environment proposing the adoption of –

- An Allocations Scheme for determining priorities and a procedure to be followed in allocating housing accommodation Section 167 of the Housing Act 1996. Local Authorities must also have regard to the statutory Code of Guidance issued under the provisions of this Act.
- A Choice Based Lettings (CBL) Scheme for a single Allocation Policy to be adopted by the new Unitary Authority by Vesting Day.

Existing partners have already entered into a contract with the IT provider, Abris, as they currently operate the scheme at East Durham Homes. It is the intention that Abris will facilitate the extension of the CBL Scheme across County Durham and will also provide the IT system to operate the Common Housing Register and Common Lettings Policy for the new Unitary Authority. In order to develop the IT systems ready for implementation of the Common Housing Register and the Common Lettings Policy by 1 April 2009 and to carry out the necessary re-registration of applicants the Common Allocation Policy needs to be agreed by the new Unitary Authority as soon as possible.

### **Decision**

The Cabinet approved the Common Lettings Policy, as attached at Appendix 3 to the report for recommendation to full Council and that officers continue to work towards implementation of the Common Lettings Policy, the Common Housing Register and the CBL scheme across County Durham by 1 April 2009.

Lesley Davies, Acting Director of Corporate Services  
8 December 2008