



RECORD OF EXECUTIVE DECISIONS

The following is a record of the decisions taken at the meeting of **CABINET** on **THURSDAY 19 MARCH 2009**.

These decisions will come into force and may be implemented from **30 MARCH 2009**, unless the Overview and Scrutiny Management Committee or its Committees object to any such decision and call it in.

Area Action Partnerships – Launch Events and Procedural Arrangements

Summary

The Cabinet considered a report of the Assistant Chief Executive that outlined the arrangements for the inaugural meetings of the 14 Area Action Partnerships (AAPs) in April and May, 2009, and sought approval for a range of guidance notes aimed at ensuring the effective operation of the partnerships and changes to the boundaries for the Teesdale and Bishop Auckland AAPs following new information from Parish Councils in the area.

AAP launch events will take place in all 14 areas, and the dates and venues for which are detailed in the report. These events will be the inaugural meetings of the AAP boundary. Publicity for the events will be produced through a range of media and invitations have been sent to a wide range of organisations operating in the County.

The purpose of the meetings will be to:

- Select a name for each AAP;
- Outline the purpose and key features of the AAP arrangements;
- Generate interest in those present to apply for the seven public AAP Boards;
- To agree one to five annual priorities for the AAP.

Appendices 2 to 7 of this report set out a range of guidance notes aimed at ensuring the effective operation of the AAPs. These notes are intended to be a starting point and they will need refinement as the AAPs become operational and lessons are learnt from their practical application.

Decision

The Cabinet approved:

- The 'operation guidance' for AAPs as outlined in Appendices 2 to 7;
- The deadline of the 3rd April for the selection of Unitary Councillor AAP Board representatives;

- The amendment to the AAP boundary for Teesdale to include the parishes of Woodland, Cockfield, Lynesack and Softley, and possibility Evenwood and Barony, depending on the outcome of the decision taken at its Parish meeting.

Draft Council Plan

Summary

The Cabinet considered a report of the Assistant Chief Executive that sought endorsement of the first part of the Council Plan 2009 – 2011, which sets out the medium term priority outcomes that the Authority is aiming to achieve.

The Council Plan is the overarching high level plan for the County Council, which is updated annually. It links closely to our medium term financial strategy and in broad terms sets out how we will deliver our corporate priorities for improvement and the key actions we will take in support of delivering the longer term goals in the interim Sustainable Community Strategy, the targets in the Local Area Agreement (2008 – 2011) and the Council's own improvement agenda.

The Plan has been developed with a two year time span to align with the new Area Agreement (2008 – 2011) but focuses primarily on 2009/10, during which time will be reviewed by the new leadership of the Council, both members and managers, alongside the review of the interim Sustainable Community Strategy.

Decision

The Cabinet endorsed the first part of the Council Plan as set out Appendix 2, and, agreed to receive a supplementary report containing the proposed actions and targets which will complete the Council Plan.

Town and Parish Councils Charter

Summary

The Cabinet considered a report of the Assistant Chief Executive that sought endorsement of a Town and Parish Council Charter and arrangements for the further development of detailed protocols to support and implement the Charter's provisions.

There are 109 local councils in County Durham varying from large urban town councils to very small rural parish councils. In addition there are 22 parish meetings where no local council exists but communities must meet together at least twice a year. Almost ninety four percent of the area and seventy seven percent of the population of County Durham is covered by a local council.

The unitary council proposal responded to the Government's agenda to expand the role of town and parish councils and talked of building capacity within the tier in order for local councils to take on an enhanced role both in

engaging with their communities and delivering local services, where they wish to do so, and where there is sufficient capacity and a good business case.

Local Government Review offers the opportunity to standardise working relationships and procedures, building on best practice within County Durham and nationally, and creating a climate of opportunity, where successful partnership can improve local outcomes.

In response to the need to develop appropriate arrangements for the new Unitary Council in respect of the role of and relationship with town and parish councils, a Co-ordination Group was formed to develop the policy position for the tier and represent its views and aspirations to the relevant LGR workstreams. Representatives from the Co-ordination Group identified that development of a new look Charter between all local Councils and the new Unitary, which will set out both the spirit and the approach to practical matters and which will define and underpin the relationship between the two tiers of local government.

A draft of the Charter has been circulated to all local councils and parish meetings for comments. Overall there has been a very positive response to the high level principles set out in the Charter, which are seen as an important foundation for the future of partnership working between the two tiers. It contains input from many of the relevant workstream leads and reflects current good practice and the aspirations of the Unitary proposals.

Decision

The Cabinet endorsed the Charter and agreed the proposed next steps.

Licensing Arrangements Results of Consultation

Summary

The Cabinet considered a report of the Report of Corporate Director, Neighbourhood Services about the outcome of the consultation with stakeholders relating to three draft licensing policies:

- Hackney Carriage and Private Hire
- Gambling Act 2005 Statement of Principles
- Licensing Act Statement of Licensing Policy.

From April 1st 2009 Durham County Council will be responsible for administering a range of statutory licensing functions. In order to ensure that the new Authority acts in a legal manner it will be necessary to ensure that the appropriate policies are properly in place for vesting day.

Decision

The Cabinet:

- Confirmed the removal of the colour requirement from the draft Hackney Carriage and Private Hire Policy and defer any decision regarding the introduction of a colour policy for Hackney Carriage

vehicles pending further detailed consultation and consideration of the effects of implementing this requirement.

- Agreed to consider a further report within the next twelve months concerning the introduction of a colour policy for Hackney Carriage vehicles.
- Confirmed that the Driving Proficiency Test should remain within the draft Hackney Carriage and Private Hire Policy.
- Confirmed that the “transitional period” relevant to the draft Hackney Carriage and Private Hire Policy will be extended from 2012 until 2014.
- Confirmed the reference to “beyond midnight” in Paragraph 9.6 of the Licensing Act 2003 Statement of Licensing Policy will remain unchanged pending further monitoring and review of the situation within the next twelve months.

Annual Enforcement Programme- Children and Young Persons (Protection from Tobacco) Act 1991 and Anti Social Behaviour Act 2003 Key Decision SHSC/EN/15/08

Summary

The Cabinet considered a report of the Report of Corporate Director, Neighbourhood Services that reviews the Authority’s enforcement activities under the Children and Young Persons (Protecting from Tobacco) Act 1991, the Anti-social Behaviour Act and the Licensing Act 2003 for the period April 2008 through to February 2009 and asks Members to approve a new enforcement programme for the year beginning April 2009.

The Authority holds joint responsibility with the police, for taking enforcement action to prevent underage sales of alcohol under the Licensing Act 2003. In addition, it has responsibility for the enforcement of age restrictions with respect to the sale or supply of videos and DVD’s, cigarette lighter refills and fireworks. The Authority also enforces the provisions of the Solvents Intoxicating Substances (Supply) Act 1985.

Despite a significant drop in the number of complaints received by this Service, alcohol and tobacco sales continue to be the products of greatest concern. However, there is a trend towards more complaints about illegal or counterfeit sales of alcohol and tobacco from private premises.

The enforcement programme for the coming year consists of those activities detailed below:

- 1) Investigation of all consumer and trader complaints.
- 2) Revisits to shops that have previously made an illegal sale.
- 3) Support the activities of the NETSA Tobacco Control Project.
- 4) Project to examine compliance in relation to sales of video games.
- 5) Project to examine compliance in relation to sales of cigarette lighter refills.
- 6) Project to examine compliance in relation to sales of solvents.
- 7) Project to examine compliance in relation to aerosol paint, targeting shops near graffiti hotspots.

- 8) Project on cigarette sales from vending machines.
- 9) Project to examine compliance in relation to age related sales of fireworks.

Decision

The Cabinet approved the enforcement plan described above, for the period April 2009 to March 2010, which will ensure that Trading Standards continues to address the problem of underage sales of alcohol, tobacco, spray paint products and other age related products.

Corporate Enforcement Policy

Key Decision ENV/LGR/20/08

Summary

The Cabinet considered a report of the Report of Corporate Director, Neighbourhood Services that sought approval of the Council's Corporate Enforcement Policy to help promote efficient and effective approaches to regulatory inspection and enforcement, and improve regulatory outcomes, without imposing unnecessary burdens on individuals and businesses.

One of the main functions of the Council is to act as a regulator and an enforcement agency for a large range of legal duties and powers applied by Acts of Parliament, and various regulations and orders made under them. The purpose of the policy is to make clear the approach of the Council in delivering its various enforcement roles.

The introduction of a Corporate Enforcement Policy will set out the standards and guidance that will be applied by the Council when acting in its role as regulator and enforcement agency across the range of its relevant legal powers and duties.

Decision

The Cabinet adopted the Corporate Enforcement Policy which confirms the Council's commitment to good enforcement and better regulation and in particular:

- Ensures that we enforce the law in a fair, equitable, consistent and independent manner.
- Aims to assist businesses and others in meeting their legal obligations.
- Focuses on prevention rather than cure.
- Ensures firm action will be taken against those who knowingly breach the law or act irresponsibly.

Seaham St John's Square- Regeneration – Progress Report

Summary

The Cabinet considered a report of the Corporate Director Resources that provided an update on progress with the regeneration project and to seek approval to enter into a development agreement with District of Easington Council and County Durham PCT.

A report was approved by Corporate Management Team in June 2006 proposing regeneration of St John's Square in partnership with District of Easington Council, County Durham Primary Care Trust and Seaham Town Council and for the development of the Council's Multi-User Centre. On 25 January 2007, Cabinet approved budget provision of £5.5 million for the Multi-User Centre.

On 19 April 2007, Cabinet approved the Council entering into a Memorandum of Understanding reflecting the resolve of the partners to work together to undertake the redevelopment of St. John's Square. The Memorandum has been signed by representatives from all the partner organisations.

The development of the Square is under the management of a Project Board comprising senior officers of the three principal partners: Durham County Council, District of Easington Council and the PCT.

Outline Planning consent was given on 25 September 2007 for the comprehensive redevelopment of St John's Square incorporating the Multi-User Centre, Health Centre, Public Realm works and potential residential development.

Following the undertakings of the Memorandum of Understanding and to further demonstrate and detail the partners' commitment to site assembly and implementation of their respective developments, it is proposed to enter into a development agreement in the form of a Statement of Intent. The agreement would document the partners' long-standing collaborative approach to the redevelopment of St John's Square and would provide a continuing arrangement post local government reorganisation.

Decision

The Cabinet:

- Noted progress with the regeneration of St. John's Square,
- Authorised entering into a development agreement (Statement of Intent) for the redevelopment of St John's Square with County Durham Primary Care Trust and District of Easington Council (pending transition to unitary local government) and delegate authority to the Corporate Director, Resources to agree final terms in due course.
- Approved in principle acceptance of a contribution of up to £1 million from ONE North East for public realm works to be undertaken by the Council at the appropriate time subject to satisfactory terms being agreed by the Corporate Director, Resources.

Lesley Davies,
Acting Director of Corporate Services

23 March 2009

